LIMITING AMENDMENTS AND DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 4276, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999, IN THE COMMITTEE OF THE WHOLE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 4276, in the Committee of the Whole, pursuant to H.Res. 508, no amendment shall be in order thereto except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed thereto:

Mr. SAXTON, a limitation regarding foreign assets litigation, for 10 minutes;

Mr. HOLDEN, amendment numbered 23, for 5 minutes;

Mr. STEARNS, amendment numbered 35, for 5 minutes;

Mr. MCINTOSH, either amendment numbered 50 or an amendment regarding the Standing Consultative Committee, for 20 minutes; and

Mr. KUCINICH, amendment numbered 49, under the 5-minute rule;

and that the managers of the bill may make pro forma amendments to strike the last word for the purpose of engaging in colloquies.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Reserving the right to object, Mr. Speaker, it is my understanding that points of order will still lie against these amendments?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MOLLOHAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 508 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4276.

□ 2028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) had been postponed and the bill was open for amendment from page 115, line 23, through page 124, line 2.

Pursuant to the order of the House of today, no amendments shall be in order except for the amendments previously specified in that order, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for the time specified, equally divided and controlled by a proponent and a Member opposed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 508, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 11 by the gentleman from Arkansas (Mr. HUTCHINSON); and the amendment by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for the second electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. HUTCHINSON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 11 offered by the gentleman from Arkansas (Mr. HUTCHINSON) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 82, noes 345, not voting 7, as follows:

[Roll No. 397]

AYES—82

Armey
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Berman
Bilbray
Bono
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Canady
Capps
Chabot
Christensen
Clayton
Coburn
Combest
Conyers
Cooksey
Cramer
Cubin
Davis (FL)
Davis (VA)
Dunn
Ehrlich
Etheridge
Goode
Granger
Harman
Hastings (WA)
Hulshof
Hutchinson
Inglis
Jefferson
Jenkins
John
Jones
Kennelly
Kind (WI)
LaFalce
Latham
Levin
Lewis (KY)
Maloney (CT)
Maloney (NY)
McCollum
Meehan
Morella
Myrick
Nethercutt
Nussle
Portman
Price (NC)
Redmond
Reyes
Riggs
Rogan
Rogers
Rothman
Ryun
Salmon
Sandlin
Schaffer, Bob
Sessions
Smith (MI)
Snowbarger
Souder
Sununu
Thornberry
Thune
Watt (NC)
Watts (OK)
Waxman
Whitfield
Wilson
Wolf

NOES—345

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baldacci
Barcia
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Cardin
Carson
Castle
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Collins
Condit
Cook
Costello
Cox
Coyne
Crane
Crapo
Cummings
Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sanford

Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Cunningham
Gonzalez
Goodling
Moakley
Moran (VA)
Paxon
Yates

□2048

Messrs. GANSKE, SPENCE, CRANE and SCHUMER changed their vote from ''aye'' to ''no.''

Mr. JOHN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as an above recorded.

RESCINDING VOICE VOTE ON KOLBE AMENDMENT NO. 19

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the voice vote on amendment No. 19 offered by the gentleman from Arizona (Mr. KOLBE) be rescinded, and I demand a recorded vote on that amendment to be taken immediately following the vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Without objection, a recorded vote on amendment No. 19 offered by the gentleman from Arizona (Mr. KOLBE) will occur immediately after the recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 252, not voting 6, as follows:

[Roll No. 398]

AYES—176

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cramer
Crane
Crapo
Cubin
Deal
DeLay
Dickey
Doolittle
Duncan
Dunn
Emerson
Ensign
Everett
Ewing
Fawell
Fossella
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
King (NY)
Kingston
LaHood
Largent
Latham
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Royce
Ryun
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Turner
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—252

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wilson
Wise
Woolsey
Wynn

NOT VOTING—6

Barr
Cunningham
Gonzalez
Goodling
Moakley
Yates

□ 2057

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. KOLBE

The CHAIRMAN. Pursuant to the order of the committee, the pending business is the recorded vote ordered on the Amendment No. 19 offered by the gentleman from Arizona (Mr. KOLBE).

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 2, not voting 15, as follows:

[Roll No. 399]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis

Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—2

Carson
Jackson-Lee (TX)

NOT VOTING—15

Clay
Coburn
Condit
Cox
Crane
Cunningham
Gonzalez
Goodling
Hinojosa
Hutchinson
Lampson
Moakley
Reyes
Weldon (PA)
Yates

□ 2104

Ms. McKINNEY changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Chairman, I missed the vote on rollcall No. 399. I strongly support the Kolbe amendment, and had I been present, I would have voted ''aye.''

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time for the purpose of informing Members of the schedule for the evening. We propose to proceed with the continuation and conclusion of the bill. There will likely be at least two more recorded votes, plus final passage; there could be three. We hope to speed the process to where we will get the Members out for a reasonably early evening, not too late a meeting. So we would say to the Members that we propose to roll these votes until final passage, so that hopefully they will come to the floor one more time for a couple of amendment votes, or perhaps three, then final passage, and hopefully be concluded.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thank the gentleman for the opportunity to discuss with the chairman the importance of funds for the National Marine Fisheries Service's Endangered Species Recovery Plan in this year's budget. I know the chairman is aware of the tremendous salmon problem facing the West Coast, including the proposed endangered species listing of West Coast salmon.

It is my understanding that the administration requested an additional $7.3 million over last year's request specifically to address these listings on the West Coast by providing funds for planning and implementation of necessary protective actions for newly listed species of salmon.

Is it correct that the committee was unable to provide the requested increases?

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, the gentleman is correct. I certainly appreciate the significance of salmon problems which exist on the West Coast. In fact, because of these problems, funding for endangered species programs has been increased by almost 200 percent over the last 3 years.

Unfortunately, the administration's fiscal 1999 budget proposed to pay for additional increases in fisheries programs through controversial new fisheries fees which the Congress already has rejected. Given this problem, as well as the funding constraints faced by the committee, we did the best we could within the funds available.

Mr. DICKS. Mr. Chairman, if the gentleman will yield further, I am sure I do not need to tell the chairman how vital these salmon stocks are to the States of Washington, Oregon and California. Currently we are working together on a recovery strategy, but we desperately need the Federal assistance.

I can assure the gentleman that all three of our States will make the necessary sacrifices as well by matching any Federal funds. I respectfully ask the chairman if he will pledge to work with me and the other Members from my region to address the needs of our region as the bill moves to conference?

Mr. ROGERS. If the gentleman will yield further, knowing how important this matter is to the gentleman and others, I would be happy to continue to work with him and the other West Coast Members as the bill moves through the process.

Mr. DICKS. Mr. Chairman, I appreciate the chairman's courtesy.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Montana.

Mr. HILL. Mr. Chairman, I am concerned about two programs that are not funded in this bill but are included in the Senate version of the bill. Last year my amendment to the Small Business Reauthorization Act was adopted, authorizing $2 million for technical assistance to help small R&D businesses compete for SBIR and STTR awards. Eligible States could receive $100,000, with a $50,000 State match to assist small businesses in applying for these awards and establishing performance goals.

As this bill moves towards conference, I request that the chairman consider providing $2 million for technical assistance to the 23 States that receive the fewest small business innovation research grants.

Secondly, I would like to bring to the Chairman's attention the Mike Mansfield Fellowship Program. This program was created by Congress in 1994 to honor the distinguished former Senator and Majority Leader from Montana, Mike Mansfield, who also served for 12 years as our Ambassador to Japan. The program builds a core of U.S. officials with proficiency in the Japanese language, a network of contacts inside the government of Japan, and an in-depth knowledge of Japan's policy-making process.

As the bill goes forward to conference, I ask that the chairman include the Mansfield program among the exchange programs supported by the conferees.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman for bringing these very important matters to our attention. I would be happy to work with the gentleman and other interested Members to try to address their concerns as we move into the conference with the Senate on this bill.

Mr. HILL. Mr. Chairman, if the gentleman will continue to yield, these programs are of particular importance to me, and I am pleased the Chairman and the Committee will work to ensure that the funds are provided for both of these. I appreciate the Chairman's and the Committee's indulgence.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. DEUTSCH. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Florida.

Mr. DEUTSCH. Mr. Chairman, I would like to discuss NOAA's South Florida Ecosystem Restoration Initiative. Because of NOAA's scientific management capabilities, the agency plays a critical role in this massive restoration effort. Ten Members of the Florida delegation wrote to the committee on May 11 supporting NOAA's programs.

Mr. Chairman, I rise to address two points. First, it is my understanding that the House will provide $2.6 million for this initiative and $1.3 million to the National Marine Fisheries Service to continue its restoration efforts. Second, I would ask the chairman if he would consider in conference the request of the National Ocean Service for a coral reef monitoring program.

Mr. ROGERS. Mr. Chairman, if the gentleman from West Virginia (Mr. MOLLOHAN) would yield, the gentleman from Florida (Mr. DEUTSCH) is correct that the bill includes no less than $2.6 million in NOAA for this initiative, including $1.3 under the National Marine Fisheries Service to continue ongoing activities.

In addition, the bill provides a $5 million increase for NMFS for high-priority programs. It is the committee's intention that NMFS consider using a portion of this increase to augment its activities in this area.

Further, I will be happy to look at the issue regarding additional efforts for this initiative as we move to conference with the Senate.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I yield to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today to enter into a colloquy with the subcommittee chairman regarding a program that is important to the coastal communities in this Nation.

Mr. Chairman, less than three weeks ago the world witnessed one of the most devastating natural disasters in history. A giant wave known as a tsunami struck the shore of northwestern New Guinea, killing over 2,000 people and injuring thousands more. Some of us in this body may recall the tsunami that struck Alaska, California, Oregon and Hawaii in 1964, that killed over 120 Americans. Tsunamis are a real and extremely dangerous threat to life in the United States, as well as other countries.

In light of the recent New Guinea incident, it is essential that our Nation evaluate its preparedness for a similar event. Over the last 2 years, NOAA has been developing a plan to mitigate the effects of such an event. I look forward to working with the chairman to see that the Federal Government is prepared for such an event.

□ 2115

Mr. ROGERS. Mr. Chairman, I appreciate the gentlewoman's concern for this very serious problem, and will be pleased to work with her as we move through the process to ensure that the Federal government is taking the necessary steps to be prepared for such a disaster.

Ms. HOOLEY of Oregon. I thank the chairman for the willingness to study this problem, and am anxious to work with him in conference on this issue.

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from Oregon (Mr. DEFAZIO).

(Mr. DEFAZIO asked and was given permission to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Chairman, the gentlewoman from Washington (Ms. DUNN) and I were going to enter an amendment today to create an incentive program for States to implement a 24-hour holding period for a psychological evaluation for juveniles who bring firearms to school.

That amendment would have been subject to a point of order and we will not offer it, but I wonder if the chairman would be willing to engage in a brief colloquy.

Mr. ROGERS. Mr. Chairman, if the gentleman from West Virginia would yield, I would tell the gentleman, yes, of course I would.

Mr. DEFAZIO. Mr. Chairman, as we know, the Senate adopted an amendment to the Commerce, Justice, State appropriations bill which is identical to the amendment the gentlewoman from Washington (Ms. DUNN) and I had planned to offer.

We intended to introduce that amendment as a stand-alone bill before we adjourn this week. However, in light of the recent outbreak of school shootings this year, I ask for the chairman's support as we work to make this bill law, and create new ways to prevent youth violence in our schools and give our communities the tools they need in that effort.

Mr. ROGERS. Mr. Chairman, I would be happy to work with the gentleman and the gentlewoman from Washington (Ms. DUNN) on this legislation over the coming months.

Mr. DEFAZIO. I thank the chairman for that.

Mr. Chairman, this country has been rocked by the outbreak of violent shootings and the senseless loss of life in our schools this past year. My hometown of Springfield, OR is still struggling with the pain and devastation of one of those shootings. Like my friends and neighbors, I've looked for answers and solutions to these tragic events. It's clear there's no single, or simple, solutions to prevent these acts from re-occurring when school starts in the fall. But the circumstances around the Springfield incident has focused attention on a shortcoming in current law.

When a student takes a gun to school, it should set-off alarm bells. Someone should take a look at that student's life and see what would be causing that type of behavior, but instead, police officers are asked to make a judgment call about the youth's state of mind and determine whether, or not, they pose a threat to themselves or the community. But may law enforcement officials don't want that discretion. Many law enforcement officials feel these students should be detained and evaluated by a professional before being released back into the community.

Bobby Moody, President of the International Association of Chiefs of Police wrote, ''As recent events have shown, a mechanism must be developed which temporarily pulls children found with guns out of the school system so that a thorough psychological examination can be performed to determine the danger such a child presents to others.''

Paul Barnett, President of the Oregon State Sheriff's Association wrote, ''Oregon's recent tragedy in Springfield has been a devastating and unnecessary reminder of the urgent need for new legislation to address the obvious inadequacies of our current policy regarding school violence. Over 100 Oregon students were caught bringing guns to school last year, each representing the potential for yet another tragedy. Oregon State Sheriff's Association urges the U.S. Congress to act quickly to deliver this important tool to communities and schools throughout the nation by providing incentives to states willing to implement the provisions of the 72 hour hold legislation.''

And Springfield Mayor Bill Morrisette wrote, ''I recently attended a debriefing conference in Memphis, TN convened by Mayor Jimmy Foster of Pearl, MS and attended by representatives of Paduca, KY, Jonesboro and Stgamps, AK, Edinboro, PA and Keokuk, IA. It was the consensus that the 72-hour mandatory holding

period for guns on school campuses was a necessary first step. If we don't even allow joking about having a weapon in an airport, why should we give a kid a slap on the wrist for bringing a gun to school.''

Guns in schools is too common. A study of the Department of Education on implementation of the Gun-Free-Schools Act found that more than 6,000 students were expelled for bringing a firearm to school in the 1996–97 school year. Thirty-four percent of those students were in junior high school, and nine percent were in elementary school. Communities want and need more tools and resources to deal with these situations.

This amendment is not a panacea, and we can't second guess what would have happened if this law had been in effect and Kip Kinkle had been detained and evaluated by a judge rather than released into the community. But, this law would give local law enforcement officials one more tool to use to reduce the incidence of gun violence in our schools.

Mr. ROGERS. I move to strike the last word, Mr. Chairman.

Mr. HULSHOF. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Missouri.

Mr. HULSHOF. Mr. Chairman, I would ask to enter into a colloquy with the Chairman of the Subcommittee.

First of all, I want to commend the Chairman. I also want to commend the ranking member, the gentleman from West Virginia, and other members of the Subcommittee for their commitment to address the methamphetamine problem in the United States, and specifically to provide $50 million of unused funds to the methamphetamine program within the community-oriented policing program.

Tragically, Mr. Chairman, over the last couple of years, my home State of Missouri has ranked among the top three methamphetamine-producing States in the Nation. We have seen in our State investigations seizures double in recent years. I can tell the gentleman that law enforcement in Missouri is waging a war against methamphetamine production, and they closed over 310 labs last year. Unfortunately, a lot of work yet remains to be done.

Demonstrating the problems methamphetamine is causing in Missouri, I got a letter from a constituent of mine, Linwood Willis Carman, Jr., who happens to work for the Wellsville Police Department in Montgomery County in suburban St. Louis. He asked for my help so his police department can continue to employ officers to combat meth.

He says: ''Sir, I ask you for a helping hand to help me do what I love to do and was trained to do. I want to stop the meth makers of Missouri, and help the countless that fall victim to the temptation. I don't want to see Missouri ranked number one in the meth business anymore.''

Mr. Chairman, I understand the Senate provided $15.5 million for the methamphetamine program, well below the House level of $50 million. As we move to conference with the Senate, I ask for the Chairman's support in retaining the House funding level for this vital program in directing necessary funds to combat the methamphetamine problem in Missouri, so we can give local law enforcement officials the tools necessary to wage a winning battle over this highly addictive and destructive drug.

Mr. ROGERS. Mr. Chairman, I would like to congratulate the gentleman for his input on this tragic and important matter. I look forward to working with the gentleman and our Senate counterparts to move towards the House position certainly on the COPS methamphetamine funding.

Mr. HULSHOF. I thank the chairman.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Arkansas.

Mr. DICKEY. Mr. Chairman, I want to show my concern about a provision in the chairman's bill that allows an increase of $18.5 million for the EEOC. I want to do so by drawing attention to a circumstance in Miami, Florida, that I think is worthy of the gentleman's attention and the attention of my colleagues. It has to do with Joe's Stone Crab in Miami Beach.

That is a well-known, world-renowned restaurant. It has been owned for 85 years by the same Jewish family. It has had diversity practices in its hiring practices long before it was required by law. It has been targeted and victimized by the EEOC, not because there are too few female employees. The owner is a female, and 22 percent of the employees are female. The heads of the departments of the restaurant, Mr. Chairman, are females, but there are too few female servers, according to the EEOC.

This is in contrast to what is happening with Hooters. Hooters has only female servers. They are a chain. The EEOC has targeted just one restaurant.

The reign of terror of the EEOC against Joe's Stone Crab began on April 27, 1992. The charge was a failure to actively recruit female servers. This was done without a female filing a complaint, and it was done without complying with the law that 300 days prior to such a ruling, that there had to be a complaint filed. There was no complaint filed. They went on their own.

On July 3, 1997, there was a ruling by Judge Daniel T. K. Early. In his findings he said that Joe's Stone Crab was guilty; those were his words, even though it is a civil action, that they were guilty of hiring discrimination.

There was no finding of any intended discrimination, Mr. Chairman. They took it on themselves, or the court took it on itself at that point to take over the hiring practices of Joe's Stone Crab, a small business in the United States. They required that the roll call, which had been word of mouth, be publicized, and required them to spend $125,000 in ads in the papers that they specified.

As a result of that, a fewer percent of applicants of women were brought in. They hired more than the percentage of applicants that came in as far as females were concerned, and again, no female complained at any time.

When confronted with the 22 percent female hiring that had occurred between 1991 and 1995, the court then just changed the statistical reference. They then looked at the total of the female food servers in Dade County, and that was 32 percent, so they just moved the target so they could do what they wanted to do.

The bottom line is that this restaurant has spent 6 years, over $1 million; they have had bad publicity; they have had lower morale; they have had the court come in and take over their operations and examine it from every angle. Then we are giving them $18.5 million in increase. I think they do not have enough to do. If they claim there is a backlog, it is because they are spending time on such frivolous litigation. They should be examined very carefully.

Small businesses all across the country are being victimized by the EEOC. They are at the point where they cannot complain because they think retaliation will come. Joe's Stone Crab is a story of one owner saying, I will take on the government for the sake of the small businesses.

My last comment, Mr. Chairman, is that I urge, as this bill moves forward and in the years to come, that the chairman address the issue of frivolous litigation and damages that the EEOC brings upon the small businesses in America.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing up this problem. The increase in the bill is targeted at resolving the backlog of individual charges of discrimination, charges brought by actual individuals claiming discrimination. These are actual employers and employees who deserve prompt and fair resolutions. A major part of the increase is for alternative dispute resolution to avoid the costs and delays of litigation, which the gentleman has mentioned.

At the same time, we have included report language that tells the EEOC to give priority to the backlog over litigation. The report language requires the EEOC to track and report the resources spent on litigation compared to resources spent on clearing the backlog, so we can make sure they are adhering to our guidance.

I would be happy to work with the gentleman as the bill moves to conference and beyond.

Mr. DICKEY. I thank the gentleman.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Pennsylvania for the purposes of a colloquy.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to engage the chairman in a colloquy. I have offered and subsequently withdrawn an amendment that would have ensured that none of the funds provided in this act may be used by the Department of State or the United States Information Agency to provide any form of assistance to the Palestinian Broadcast Corporation.

The Palestinian Broadcast Corporation is the official broadcasting arm of the Palestinian Authority. It has been receiving assistance from the United States while engaging in a campaign in support of violence and hatred against the United States and her interests. This campaign is fostering an atmosphere sympathetic to violence and terrorism in the region.

I believe the United States should do everything possible to support a free and independent media, but I say to the gentleman from Kentucky (Chairman ROGERS), this is not media, this is propaganda. I do not believe United States taxpayer dollars should be spent to sustain it.

I understand the committee has included report language addressing this issue. In addition, I understand the Senate has passed legislative language similar to the committee's report language. I would hope that the chairman would consider this favorably when addressing the issue in conference.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for raising the issue. As the gentleman mentioned, we have included report language urging the USIA to refrain from assisting the Palestinian Broadcasting Corporation in any way which could further the restriction of press freedoms or the broadcasting of inaccurate, inflammatory messages.

It is my understanding that the Department of State and USIA currently have a policy of not providing such assistance to the Palestinian Broadcasting Corporation, based on the types of behaviors that the gentleman has just described. I support that policy.

As the bill moves into conference, I will be happy to work with the gentleman and other interested Members.

Mr. FOX of Pennsylvania. I thank the gentleman. I appreciate his assurances and assistance in this regard.

AMENDMENT OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SAXTON:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds appropriated or otherwise made available in this Act may be used by the United States to intervene against a claim for attachment in aid of execution, or execution, of property of a foreign state upon a judgment relating to a claim brought under section 1605(a)(7) of title 28, United States Code.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SAXTON) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON) for 5 minutes.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

This amendment is known as the International Terrorist Must Pay amendment. In 1996, the Congress passed and the President signed the Antiterrorism and Effective Death Penalty Act of 1996. This Act allowed victims of State-sponsored terrorism to sue foreign governments in Federal court for damages arising from terrorism.

In 1995, a young New Jersey woman named Alysa Flatow was killed in Israel by a suicide bomber from the Islamic Jihad, a terrorist operation financed by and sponsored by Iran. Her family sued under the aforementioned statutes and proved that Iran had financed the activities of the Islamic Jihad, and received a judgment of $247 million in damages.

Needless to say, Iran did not voluntarily step forward to pay the judgment. As a result, the Flatows sought to locate Iranian-owned property in the United States. Recently they located three properties in Washington, D.C. owned by the Iranian government. They proceeded to go to court to have the court attach the properties for subsequent sale.

The court issued the writs of attachment, and the Federal Marshals were ordered to serve Iran with the papers. The State Department at that time stepped in and raised objections to the sale, in effect taking the side of Iran, and asked the Justice Department to intervene on the side of Iran.

The Justice Department subsequently made an appearance in the trial and argued that the property should not be seized, their argument being that it would allow the seizure of Iranian assets. Of course, if their argument holds, this would defeat the purpose of the bill that Members on both sides of the aisle voted in favor of in 1996, the Antiterrorism and Effective Death Penalty Act of 1996. Iran therefore would be allowed to continue to finance terrorist activity without a price to pay. This amendment finalizes the process and creates a price for international terrorism.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I do not really want to oppose the amendment, but I ask unanimous consent to claim the time so we can explain why we are accepting it.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) will control the time.

□ 2130

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

It is my understanding that the committee intends to accept this amendment on both sides. I would simply like to say that, as some Members may remember, this matter was brought up before the House once before several weeks ago on a previous appropriation bill. It was then offered in a form which was technically not germane to the bill and was subject to a point of order.

We felt that the Congress had not had sufficient time to examine the amendment and to understand its implications in terms of the administration's ability to negotiate and to conduct foreign policy. So we were concerned at that time.

We have now learned a bit more about the status of the law. There are still, frankly, some questions about the advisability of going exactly this route, but, frankly, the State Department has not been as clear as we would like in laying out what other options might be available.

So under these circumstances, I think it is advisable for the committee to accept the amendment with the understanding that it will need to be worked on in conference to make certain that it is consistent with U.S. national interests.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in strong support of the amendment of the gentleman from New Jersey. This will help American victims of terrorism collect on judgments they have been awarded against state sponsors of terrorism.

As the gentleman from New Jersey pointed out, the Flatow family has gotten a judgment against the government of Iran, which sponsors terrorism. It is absolutely obscene that we would be in a position of taking the side of Iran. Iran must understand, as an outlaw nation, that we will never stop in trying to combat terrorism. This is certainly justice for the Flatow family.

By allowing this seizure of Iranian assets, this is something that teaches Iran, hits them where it hurts and let us them understand, again, that we will not accept state-sponsored terrorism.

It is ludicrous that the State Department had opposed this. Iran must pay a price for the continuing support of terrorism. I compliment my friend from New Jersey.

Mr. OBEY. Mr. Chairman, I would simply say that there are some questions, also, the State Department has with respect to who should be ahead of whom in being able to make claims against countries like Iran.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I want to rise in strong support of the Saxton amendment.

We clearly gave the right to victims of terrorists to sue foreign entities for compensation as a Congress. That is what the Congress passed in the law. And it is right for us to do so, to give a victim with a court-ordered judgment, to be allowed to enforce that judgment against any and all assets of a country in the United States.

It is offensive, in my view, that any department or entity of the United States Government would actively seek to inhibit such a judgment. This amendment would allow the family of Alysa Flatow, who is someone who in fact died at the age of 20, a resident of the State of New Jersey, a young, vibrant woman who had a lifetime of opportunity ahead of her. Her life was cut short and her family devastated by a bomb which exploded on the bus she was traveling on in Gaza. She was absolutely innocent.

They have a court-ordered judgment. The judge actually gave them a writ to go ahead against property. We should not be interfering. We should be standing up on behalf of the rights of United States citizens to be able to pursue such a judgment.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL) who represents the Flatow family.

Mr. PASCRELL. Mr. Chairman, Alysa Flatow was a student at Brandeis University. She was a woman of great character, both in life and in death. Those who received her organs can attest to the kind of woman she was. Her heart was successfully transplanted to a 56-year-old man who had been waiting for a year. Her liver was donated to a 23-year-old man; her lungs, pancreas and kidneys to four different patients. Her corneas were donated to an eye bank.

New Jersey will not forget Alysa Flatow or the struggle and trauma her family have gone through as a result of this heinous act and this senseless loss of a promising young woman.

Mr. Chairman, we have had enough victims. We do not need to victimize the family any longer. Personally, I have had enough of negotiating leverage, quote unquote. It is time that we stood and stood tall for the Flatow family.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FOX).

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in support of the Saxton amendment.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New Jersey (Mr. SAXTON). I congratulate him for it.

The life of Alysa Flatow was only 20 years long, and I am sure that her family feels a pain that is beyond description. But I am also sure that we can do something collectively here tonight that will help her life have even more meaning than it has already had.

We can change the law of our country and say to terrorists, whether in Iran or around the world, that in this country you will be held accountable. If you appear before our courts and you are adjudicated guilty, you cannot find a loophole or an escape.

This is a legacy that this young woman's life can leave for generations to come that if, God forbid, if someone else is a victim of terrorism, those terrorists can and will be held accountable in a U.S. court of law.

I urge the amendment's adoption.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, we have no objection to the amendment. As the gentleman from Wisconsin indicated, this needs to be discussed at some point before and during conference to be sure we are consistent on our policy. But we have no objection to this amendment and congratulate the gentleman.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. SAXTON. Mr. Chairman, I thank very much the chairman and the ranking member and all those who have spoken in favor of this amendment tonight.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SAXTON).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. HOLDEN

Mr. HOLDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HOLDEN:

Page 124, insert the following after line 2:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. (a) Section 118 of title 28, United States Code, is amended—

(1) in subsection (a) by striking ''Philadelphia, and Schuylkill'' and inserting ''and Philadelphia''; and

(2) in subsection (b) by inserting ''Schuylkill,'' after ''Potter,''.

(b)(1) This section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending on such date in the United States District Court for the Eastern District of Pennsylvania.

(3) This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this section.

The CHAIRMAN. Pursuant to the previous order of the House of today, the gentleman from Pennsylvania (Mr. HOLDEN) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Chairman, I yield myself such time as I may consume.

What my amendment will do is to transfer Schuylkill, Pennsylvania from the Eastern Judicial District of Pennsylvania to the Middle Judicial District of Pennsylvania.

This provision overwhelmingly passed the House as part of H.R. 2294, the Federal Courts Improvement Act. However, the other body has notified us that they will not be able to address this piece of legislation in this session because of the few remaining legislative days on the calendar. So this is an amendment of convenience, an amendment of convenience to the citizens of Schuylkill County who are now forced to drive in excess of 2 hours to Philadelphia to serve on jury duty or for other court business.

If Schuylkill County is moved to the Middle District of Pennsylvania, the citizens of Schuylkill County will only have to travel a distance of about 55 or 60 miles, less than an hour on interstate 81, to the State Capital of Harrisburg.

This is a noncontroversial amendment, Mr. Chairman. Both chief judges of the Eastern District and of the Middle District have no opposition to it. The Bar Association of Schuylkill County is in favor of it.

I know from my days of serving as sheriff of Schuylkill County, the citizens will appreciate not having to drive all the way to Philadelphia to serve on jury duty.

I would like to thank the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia (Mr. MOLLOHAN) for their assistance in this matter, as well as the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) for their assistance in the previous legislation.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HOLDEN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have examined the amendment and discussed it with the gentleman in detail, and we have no objection.

Mr. HOLDEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member claim the time in opposition?

If not, the question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOLDEN).

The amendment was agreed to.

AMENDMENT NO. 35 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. STEARNS:

TITLE IX—INTERNET GAMBLING PROHIBITION

SEC. 901. SHORT TITLE.

This title may be cited as the ''Internet Gambling Prohibition Act of 1998''.

SEC. 902. DEFINITIONS.

Section 1081 of title 18, United States Code, is amended—

(1) in the matter immediately following the colon, by designating the first 5 undesignated paragraphs as paragraphs (1) through (5), respectively, and indenting each paragraph 2 ems to the right; and

(2) by adding at the end the following:

''(6) BETS OR WAGERS.—The term 'bets or wagers'—

''(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, sporting event of others, or of any game of chance, upon an agreement or understanding that the person or another person will receive something of value based on that outcome;

''(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

''(C) includes any scheme of a type described in section 3702 of title 28, United States Code; and

''(D) does not include—

''(i) a bona fide business transaction governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47))) for the purchase or sale at a future date of securities (as that term is defined in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)));

''(ii) a transaction on or subject to the rules of a contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7);

''(iii) a contract of indemnity or guarantee;

''(iv) a contract for life, health, or accident insurance; or

''(v) participation in a game or contest, otherwise lawful under applicable Federal or State law—

''(I) that, by its terms or rules, is not dependent on the outcome of any single sporting event, any series or sporting events, any tournament, or the individual performance of 1 or more athletes or teams in a single sporting event;

''(II) in which the outcome is determined by accumulated statistical results of games or contests involving the performances of amateur or professional athletes or teams; and

''(III) in which the winner or winners may receive a prize or award;

(otherwise known as a 'fantasy sport league' or a 'rotisserie league') if such participation is without charge to the participant or any charge to a participant is limited to a reasonable administrative fee.

''(7) FOREIGN JURISDICTION.—The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

''(8) INFORMATION ASSISTING IN THE PLACING OF A BET OR WAGER.—The term 'information assisting in the placing of a bet or wager'—

''(A) means information that is intended by the sender or recipient to be used by a person engaged in the business of betting or wagering to accept or place a bet or wager; and

''(B) does not include—

''(i) information concerning parimutuel pools that is exchanged between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and 1 or more parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, if that information is used only to conduct common pool parimutuel pooling under applicable law;

''(ii) information exchanged between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and a support service located in another State or foreign jurisdiction, if the information is used only for processing bets or wagers made with that facility under applicable law;

''(iii) information exchanged between or among 1 or more wagering facilities that are located within a single State and are licensed and regulated by that State, and any support service, wherever located, if the information is used only for the pooling or processing of bets or wagers made by or with the facility or facilities under applicable State law;

''(iv) any news reporting or analysis of wagering activity, including odds, racing or event results, race and event schedules, or categories of wagering; or

''(v) any posting or reporting of any educational information on how to make a bet or wager or the nature of betting or wagering.''.

SEC. 903. PROHIBITION ON INTERNET GAMBLING.

(a) IN GENERAL.—Chapter 50 of title 18, United States Code, is amended by adding at the end the following:

''§ 1085. Internet gambling

''(a) DEFINITIONS.—In this section:

''(1) CLOSED-LOOP SUBSCRIBER-BASED SERVICE.—The term 'closed-loop subscriber-based service' means any information service or system that uses—

''(A) a device or combination of devices—

''(i) expressly authorized and operated in accordance with the laws of a State for the purposes described in subsection (e); and

''(ii) by which a person located within a State must subscribe to be authorized to place, receive, or otherwise make a bet or wager, and must be physically located within that State in order to be authorized to do so;

''(B) a customer verification system to ensure that all applicable Federal and State legal and regulatory requirements for lawful gambling are met; and

''(C) appropriate data security standards to prevent unauthorized access.

''(2) GAMBLING BUSINESS.—The term 'gambling business' means a business that is conducted at a gambling establishment, or that—

''(A) involves—

''(i) the placing, receiving, or otherwise making of bets or wagers; or

''(ii) offers to engage in placing, receiving, or otherwise making bets or wagers;

''(B) involves 1 or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

''(C) has been or remains in substantially continuous operation for a period in excess of 10 days or has a gross revenue of $2,000 or more during any 24-hour period.

''(3) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means any information service, system, or access software provider that uses a public communication infrastructure or operates in interstate or foreign commerce to provide or enable computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

''(4) INTERNET.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

''(5) PERSON.—The term 'person' means any individual, association, partnership, joint venture, corporation, State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision thereof, or any other government, organization, or entity.

''(6) PRIVATE NETWORK.—The term 'private network' means a communications channel or channels, including voice or computer data transmission facilities, that use either—

''(A) private dedicated lines; or

''(B) the public communications infrastructure, if the infrastructure is secured by means of the appropriate private communications technology to prevent unauthorized access.

''(7) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a commonwealth, territory, or possession of the United States.

''(b) GAMBLING.—

''(1) PROHIBITION.—Subject to subsection (e), it shall be unlawful for a person knowingly to use the Internet or any other interactive computer service—

''(A) to place, receive, or otherwise make a bet or wager with any person; or

''(B) to send, receive, or invite information assisting in the placing of a bet or wager with the intent to send, receive, or invite information assisting in the placing of a bet or wager.

''(2) PENALTIES.—A person who violates paragraph (1) shall be—

''(A) fined in an amount that is not more than the greater of—

''(i) three times the greater of—

''(I) the total amount that the person is found to have wagered through the Internet or other interactive computer service; or

''(II) the total amount that the person is found to have received as a result of such wagering; or

''(ii) $500;

''(B) imprisoned not more than 3 months; or

''(C) both.

''(c) GAMBLING BUSINESSES.—

''(1) PROHIBITION.—Subject to subsection (e), it shall be unlawful for a person engaged in a gambling business knowingly to use the Internet or any other interactive computer service—

''(A) to place, receive, or otherwise make a bet or wager; or

''(B) to send, receive, or invite information assisting in the placing of a bet or wager.

''(2) PENALTIES.—A person engaged in a gambling business who violates paragraph (1) shall be—

''(A) fined in an amount that is not more than the greater of—

''(i) the amount that such person received in bets or wagers as a result of engaging in that business in violation of this subsection; or

''(ii) $20,000;

''(B) imprisoned not more than 4 years; or

''(C) both.

''(d) PERMANENT INJUNCTIONS.—Upon conviction of a person under this section, the court may, as an additional penalty, enter a permanent injunction enjoining the transmission of bets or wagers or information assisting in the placing of a bet or wager.

''(e) EXCEPTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the prohibitions in this section shall not apply to any—

''(A) otherwise lawful bet or wager that is placed, received, or otherwise made wholly intrastate for a State lottery or a racing or parimutuel activity, or a multi-State lottery operated jointly between 2 or more States in conjunction with State lotteries, (if the lottery or activity is expressly authorized, and licensed or regulated, under applicable Federal or State law) on—

''(i) an interactive computer service that uses a private network, if each person placing or otherwise making that bet or wager is physically located at a facility that is open to the general public; or

''(ii) a closed-loop subscriber-based service that is wholly intrastate; or

''(B) otherwise lawful bet or wager for class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) that is placed, received, or otherwise made on a closed-loop subscriber-based service or an interactive computer service that uses a private network, if—

''(i) each person placing, receiving, or otherwise making that bet or wager is physically located on Indian land; and

''(ii) all games that constitute class III gaming are conducted in accordance with an applicable Tribal-State compact entered into under section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2701(d)) by a State in which each person placing, receiving, or otherwise making that bet or wager is physically located.

''(2) INAPPLICABILITY OF EXCEPTION TO BETS OR WAGERS MADE BY AGENTS OR PROXIES.—An exception under subparagraph (A) or (B) of paragraph (1) shall not apply in any case in which a bet or wager is placed, received, or otherwise made by the use of an agent or proxy using the Internet or an interactive computer service. Nothing in this paragraph shall be construed to prohibit the owner operator of a parimutuel wagering facility that is licensed by a State from employing an agent in the operation of the account wagering system owned or operated by the parimutuel facility.

''(f) STATE LAW.—Nothing in this section shall be construed to create immunity from criminal prosecution or civil liability under the law of any State.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 50 of title 18, United States Code, is amended by adding at the end the following:

''1085. Internet gambling.''.

SEC. 904. CIVIL REMEDIES.

(a) IN GENERAL.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of section 1085 of title 18, United States Code, as added by section 903, by issuing appropriate orders.

(b) PROCEEDINGS.—

(1) INSTITUTION BY FEDERAL GOVERNMENT.—The United States may institute proceedings under this section. Upon application of the United States, the district court may enter a temporary restraining order or an injunction against any person to prevent a violation of section 1085 of title 18, United States Code, as added by section 903, if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

(2) INSTITUTION BY STATE ATTORNEY GENERAL.—

(A) IN GENERAL.—Subject to subparagraph (B), the attorney general of a State (or other appropriate State official) in which a violation of section 1085 of title 18, United States Code, as added by section 903, is alleged to have occurred, or may occur, after providing written notice to the United States, may institute proceedings under this section. Upon application of the attorney general (or other appropriate State official) of the affected State, the district court may enter a temporary restraining order or an injunction against any person to prevent a violation of section 1085 of title 18, United States Code, as added by section 903, if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

(B) INDIAN LANDS.—With respect to a violation of section 1085 of title 18, United States Code, as added by section 903, that is alleged to have occurred, or may occur, on Indian lands (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the enforcement authority under subparagraph (A) shall be limited to the remedies under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), including any applicable Tribal-State compact negotiated under section 11 of that Act (25 U.S.C. 2710).

(3) ORDERS AND INJUNCTIONS AGAINST INTERNET SERVICE PROVIDERS.—Notwithstanding paragraph (1) or (2), the following rules shall apply in any proceeding instituted under this subsection in which application is made for a temporary restraining order or an injunction against an interactive computer service:

(A) SCOPE OF RELIEF.—

(i) If the violation of section 1085 of title 18, United States Code, originates with a customer of the interactive computer service's system or network, the court may require the service to terminate the specified account or accounts of the customer, or of any readily identifiable successor in interest, who is using such service to place, receive or otherwise make a bet or wager, engage in a gambling business, or to initiate a transmission that violates such section 1085.

(ii) Any other relief ordered by the court shall be technically feasible for the system or network in question under current conditions, reasonably effective in preventing a violation of section 1085, of title 18, United States Code, and shall not unreasonably interfere with access to lawful material at other online locations.

(iii) No relief shall be issued under subparagraph (A)(ii) if the interactive computer service demonstrates, after an opportunity to appear at a hearing, that such relief is not economically reasonable for the system or network in question under current conditions.

(B) CONSIDERATIONS.—In the case of an application for relief under subparagraph (A)(ii), the court shall consider, in addition to all other factors that the court shall consider in the exercise of its equitable discretion, whether—

(i) such relief either singularly or in combination with such other injunctions issued against the same service under this subsection, would seriously burden the operation of the service's system network compared with other comparably effective means of preventing violations of section 1085 of title 18, United States Code;

(ii) in the case of an application for a temporary restraining order or an injunction to prevent a violation of section 1085 of title 18, United States Code, by a gambling business (as is defined in such section 1085) located outside the United States, the relief is more burdensome to the service than taking comparably effective steps to block access to specific, identified sites used by the gambling business located outside the United States; and

(iii) in the case of an application for a temporary order or an injunction to prevent a violation of section 1085 of title 18, United States Code, as added by section 903, relating to material or activity located within the United States, whether less burdensome, but comparably effective means are available to block access by a customer of the service's system or network to information or activity that violates such section 1085.

(C) FINDINGS.—In any order issued by the court under this subsection, the court shall set forth the reasons for its issuance, shall be specific in its terms, and shall describe in reasonable detail, and not be reference to the complaint or other document, the act or acts sought to be restrained and the general steps to be taken to comply with the order.

(4) EXPIRATION.—Any temporary restraining order or preliminary injunction entered pursuant to this subsection shall expire if, and as soon as, the United States, or the attorney general (or other appropriate State official) of the State, as applicable, notifies the court that issued the injunction that the United States or the State, as applicable, will not seek a permanent injunction.

(c) EXPEDITED PROCEEDINGS.—

(1) IN GENERAL.—In addition to proceedings under subsection (b), a district court may enter a temporary restraining order against a person alleged to be in violation of section 1085 of title 18, United States Code, as added by section 903, upon application of the United States under subsection (b)(1), or the attorney general (or other appropriate State official) of an affected State under subsection (b)(2), without notice and the opportunity for a hearing, if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the transmission at issue violates section 1085 of title 18, United States Code, as added by section 903.

(2) EXPIRATION.—A temporary restraining order entered under this subsection shall expire on the earlier of—

(A) the expiration of the 30-day period beginning on the date on which the order is entered; or

(B) the date on which a preliminary injunction is granted or denied.

(3) HEARINGS.—A hearing requested concerning an order entered under this subsection shall be held at the earliest practicable time.

(d) RULE OF CONSTRUCTION.—In the absence of fraud or bad faith, no interactive computer service (as defined in section 1085(a) of title 18, United States Code, as added by section 903) shall be liable for any damages, penalty, or forfeiture, civil or criminal, for any reasonable course of action taken to comply with a court order issued under subsection (b) or (c) of this section.

(e) PROTECTION OF PRIVACY.—Nothing in this title or the amendments made by this title shall be construed to authorize an affirmative obligation on an interactive computer service—

(1) to monitor use of its service; or

(2) except as required by an order of a court, to access, remove or disable access to material where such material reveals conduct prohibited by this section and the amendments made by this section.

(f) NO EFFECT ON OTHER REMEDIES.—Nothing in this section shall be construed to affect any remedy under section 1084 or 1085 of title 18, United States Code, as amended by this title, or under any other Federal or State law. The availability of relief under this section shall not depend on, or be affected by, the initiation or resolution of any action under section 1084 or 1085 of title 18, United States Code, as amended by this title, or under any other Federal or State law.

(g) CONTINUOUS JURISDICTION.—The court shall have continuous jurisdiction under this section to enforce section 1085 of title 18, United States Code, as added by section 903.

SEC. 905. REPORT ON ENFORCEMENT.

Not later than 3 years after the date of enactment of this Act, the Attorney General shall submit a report to Congress that includes—

(1) an analysis of the problems, if any, associated with enforcing section 1085 of title 18, United States Code, as added by section 903;

(2) recommendations for the best use of the resources of the Department of Justice to enforce that section; and

(3) an estimate of the amount of activity and money being used to gamble on the Internet.

SEC. 906. REPORT ON COSTS.

Not later than 3 years after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress that includes—

(1) an analysis of existing and potential methods or technologies for filtering or screening transmissions in violation of section 1085 of title 18, United States Code, as added by section 903, that originate outside of the territorial boundaries of any State or the United States;

(2) a review of the effect, if any, on interactive computer services of any court ordered temporary restraining orders or injunctions imposed on those services under this section;

(3) a calculation of the cost to the economy of illegal gambling on the Internet, and other societal costs of such gambling; and

(4) an estimate of the effect, if any, on the Internet caused by any court ordered temporary restraining orders or injunctions imposed under this title.

SEC. 907. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. MILLER of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California (Mr. MILLER) reserves a point of order.

Pursuant to the previous order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

I tell my colleague who objected, I intend to withdraw this amendment after a short statement, after engaging in a colloquy with a few Members on my side and also one on his side.

I realize that prohibiting Internet gambling is a hot button issue today, but I think there is a majority in Congress that strongly believes that such a prohibition is needed to prevent the disease of gambling from infecting the Internet. That is why I have offered the same bill that Senator KYL has offered in the Senate that passed by 90 to 10, and I believe introducing the Kyl language here in the House would be very important.

I want to move that forward. I have received strong support both in the committee, the Committee on Commerce, as well as from the National Football League, the National Collegiate Athletic Association, National Association of Attorneys General and other groups that are adversely affected with the continuance of Internet gambling.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I appreciate the gentleman's interest in this issue.

As he knows, illegal gambling on the Internet is a rapidly growing industry. The Justice Department estimates that $600 million was bet illegally on sports alone over the Internet last year, a tenfold increase over the previous year. I applaud my friend from Arizona, Mr. KYL, in the Senate for moving legislation in the other body. I want to assure my friend from Florida that we are currently working in the Committee on the Judiciary to move corresponding legislation before the August recess.

I thank the gentleman for yielding, and I appreciate the Gentleman's interest in this issue. Illegal gambling on the internet is a rapidly growing industry—the Justice Department estimates that $600 million was bet illegally on sports alone over the internet last year, a tenfold increase over 1996. Congress must take action this year to curb illegal internet gambling, and I have introduced legislation that would clamp down on this type of activity.

I applaud my friend from Arizona for moving legislation in the other body to address this issue, and I want to assure my friend from Florida that we are currently working in the Judiciary Committee to move corresponding legislation before the August recess. As my friend is aware, however, a number of areas and concerns surrounding this issue are still outstanding, and I want to assure the Gentleman that we are currently working with all parties to resolve those issues as we continue to move the process forward. I would therefore at this time ask that the Gentleman withdraw his amendment, so that we might continue working through the Committee process to produce a strong piece of legislation to combat internet gambling.

Mr. STEARNS. Mr. Chairman, I thank the gentleman. I recognize there are some areas of the Senate bill that need to be improved and clarified, particularly with the treatment of sports fantasy and educational games and treatment of advertising. As the process moves forward in the House, I look forward to working with the gentleman.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I share the concern of the gentleman that Internet gaming is a very serious problem. It is my understanding that the gentleman is going to withdraw his amendment and that the chairman of the Committee on Commerce has agreed to hold a hearing on his bill in September.

I appreciate that the gentleman has agreed to consider an amendment, I hope the gentleman from Virginia (Mr. GOODLATTE) would, too, that would leave the enforcement of Indian gaming with the National Indian Gaming Commission which was established under the Indian Gaming Regulatory Act passed by Congress in 1988. I certainly share his concern on this Internet gaming.

The National Indian Gaming Commission is the Federal entity that should enforce the restrictions on Indian Internet gaming under the gentleman's bill.

Mr. STEARNS. Mr. Chairman, I thank the gentleman. I think we can also take that into account.

The CHAIRMAN. The time of the gentleman from Florida (Mr. STEARNS) has expired.

Mr. ROGERS. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) is recognized for 2½ minutes.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield to gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I applaud my friend and colleague from Florida for his interest in placing a ban on Internet gambling. This issue not only is very important to the people of Nevada but absolutely is essential to protect American children as well as the integrity of the legalized gambling industry.

Allowing gambling to be performed on the Internet would open the floodgates for corruption, abuse and fraud. Internet gambling is a virtual Pandora's box that, if opened, would have an irreversible effect on millions of American people.

Banning Internet gaming is necessary to prevent widespread abuse from occurring. Unscrupulous operators could bilk millions of dollars out of unsuspecting customers, leaving the affected without recourse.

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Another risk presented by Internet gaming involves young children in regulated gaming establishments all across this country. Security guards are required to check by law the identification of anyone appearing to be below the age of 21. With Internet gaming, however, minors, armed with nothing more than a credit card number, could easily access these gaming sites and literally squander their families' savings and income. Mr. Chairman, on the Internet gaming children can establish overseas betting accounts easier than they can sneak into an R-rated movie.

With all the rise in computers and Internet access, Internet gaming operations are growing equally as fast. We must not forget that there are millions of innocent users that could become serious victims if we are not careful in managing this incredible tool.

There are 50 million households with computers and 25 million of these computers have

access to the Internet. Experts are predicting an explosion in the growth of households with Internet access. By the turn of the century, most schools and libraries will be on-line. It is important to recognize that the computer industry is not the only one profiting off of the explosion in computer availability. Internet gaming operations are growing equally as fast.

Most would agree that the Internet is a great educational tool and an extremely valuable source for all sorts of information. This resource must be shielded from the dangers associated with its unrestricted use. We must not forget that there are millions of innocent users that could become serious victims if we are not careful in managing this incredible tool.

Mr. Chairman, I applaud Mr. STEARNS for brining this issue to the House floor.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume to recognize the hard work that other Members have done here tonight and also to recognize my good friend, the gentleman from Florida (Mr. MCCOLLUM), who has worked hard on this, as well as the gentleman from New Jersey (Mr. LOBIONDO) and others who are supporting this.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Florida.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding and thank him for withdrawing the amendment and appreciate the concerns he has raised about further refinement of this amendment and legislation.

I also want to raise concerns about the treatment of the Indian Gaming Regulatory Act under the provisions of the amendment as written, and would hope that they would take into consideration the fact that that is the Federal regulatory agency for the regulation of Indian gaming.

Mr. STEARNS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. MCINTOSH

Mr. MCINTOSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCINTOSH:

At the end of the bill (immediately before the short title), insert the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used for participation by United States delegates to the Standing Consultative Commission in any activity of the Commission to implement the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Indiana (Mr. MCINTOSH) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I yield myself 2½ minutes.

How quickly we forget, or fail to learn the most important lessons of history. It was just 60 years ago when Winston Churchill struggled mightily to build a defensive air radar system in Britain to protect against Nazi threat. The British establishment, the appeasers, as he called them, mocked and scoffed him for this effort. They said there was no threat. How wrong they were. Because Churchill persevered, they did build a radar system and beat the Nazis.

Today, we are engaged in a similar debate. The cosponsor of this amendment, the gentleman from Pennsylvania (Mr. WELDON), has worked to bring to our attention since 1995, and the gentleman from Louisiana (Mr. LIVINGSTON), for many, many years, that there is a real threat of a ballistic missile attack on the United States. Yet the State Department establishment, like that of Britain in the 1930s, ignores or ridicules those who recognize a missile threat, but they do so at each of our peril.

The gentleman from Pennsylvania (Mr. WELDON) and I are introducing this amendment because the American people deserve to have a choice in this decision. The Clinton administration is trying to negotiate a new antiballistic missile treaty with the four successor states to the Soviet Union and to implement it without sending it to the Senate for ratification.

Now, a complete, fair and open debate is needed on renewing this ABM Treaty, and the Senate should have the opportunity to act properly and ratify any such treaty.

The fact is, today we do not have the ability to intercept a single missile fired at us by an enemy or a madman. Americans would be shocked if they found this out, but it is the truth. What is even worse about this new ABM Treaty is not only will a national missile defense system not be possible, but there are new restrictions on a theater missile defense program that could protect our troops overseas.

My amendment, quite simply, would say the bureaucracy responsible for implementing the ABM Treaty cannot spend any funds for further implementing the new treaty or any policies consistent with a new treaty.

Mr. Chairman, I finish by asking my colleagues a rhetorical question. What would they do the day after a missile attack from Iran, Iraq, Libya, or North Korea destroyed one of our cities? The very next day we would all be on this House floor demanding there be construction of such a missile protection system repelling such an attack.

Why wait for the tragedy? Let us do something now and spare the lives of the innocent Americans that would be lost. Please join me in approving this amendment to the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I rise in opposition to this amendment, and I yield myself 5 minutes.

Mr. Chairman, I want to state from the outset that the intent of this amendment is a blatant attempt to negate the United States' obligation to continue to adhere to the antiballistic missile treaty so that proponents of deployment of additional missile defense systems in the U.S. can justify their campaign to deploy just such a system.

In my view, the deployment of such additional systems would not only violate U.S. treaty obligations with Russia but, more importantly, would destabilize our national security by setting back ongoing arms control negotiations with Russia and other former Soviet republics, and by encouraging newly emerging nuclear states to proceed without restrictions.

Many of the proponents of this amendment continue to be critical of this administration's policies to restrain India and Pakistan from conducting nuclear tests. Now, their efforts may have fallen short of their goals and, indeed, the world has become less secure today as a result. But the question is what is the next step?

The proponents of this amendment would have us throw out a standing arms control treaty that has been in place since 1972 so that they can pursue an expensive and widely premature plan to deploy an elaborate missile defense system that is years away from being able to work.

The administration's intentions with respect to the Memorandum of Understanding on the ABM Treaty's succession have been made abundantly clear and are enunciated in a letter of May 21st from the President to the chairman of the authorizing committees. That letter says plainly that the administration ''will provide to the Senate, for its advice and consent, the Memorandum of Understanding of the ABM Treaty's succession.'' The letter further clarifies that, ''Despite the breakup of the Soviet Union, the ABM Treaty is still in force with Russia and notification of the MOU is necessary to remove any ambiguities about how the treaty applies to other countries.''

It is also clearly the understanding that the administration intends to submit the MOU on the ABM Treaty's succession after the Russian Duma has ratified START II. The timing of the submission to the Senate is based on the orderly progression of arms control regimes and was, in fact, developed in cooperation with the relevant parties of the U.S. Senate.

This amendment stops all activity to bring the Memorandum of Understanding on the ABM Treaty's succession to reality. I wonder how the passage of this amendment will affect the Russian Duma and the prospects of their action? I wonder what signals it sends to

India and Pakistan, who are on the verge of war in Kashmir, both armed with nuclear weapons?

A vote for this amendment is a vote to unilaterally abrogate the ABM Treaty on the basis of 20 minutes debate in the middle of the night. That is what this supposedly modest amendment tries to do. A vote against this amendment is a vote to recognize that Congress should not take such irresponsible actions without clearly thinking out the consequences.

Mr. Chairman, I reserve the balance of my time.

Mr. MCINTOSH. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, I rise in support of the gentleman's amendment.

I think about the ABM Treaty that was implemented between the Soviet Union and the United States in 1972 in an entirely different political world and in an entirely different technological world. Those were different times. They threatened to blow us up, we threatened to blow them up.

The Soviet Union does not exist any more, but the ABM Treaty is here, notwithstanding the fact that the technological developments of the computer age have totally transformed this dangerous world of ours.

Look at the headlines: May 1st. China targets nukes at the U.S. June 16th. China assists Iran, Libya with missiles. June 17th. North Korea admits missile sales. Then we see the Indian and the Pakistani bombs blow up.

We are living in a nuclear age and the arms negotiators are still negotiating a 1972 treaty with the old Soviet Union that does not even exist.

We have to give up this arms negotiation. It does not work. Let us defend Americans. Let us start deploying missile systems that intercept their missiles and we do not have to worry about who blows up the next bomb in the next place.

We need do defend our American citizens. We need to defend the continental United States. We need to defend U.S. troops abroad. We need to defend our allies all around the world.

We could do it if this President use one word that has been absent in his vocabulary in the 6 years that he has been President of the United States: Deployment, deployment of missile defense systems.

This gentleman's amendment simple says, let us stop this arms negotiation, or at least if you are going to revise the ABM Treaty of 1972, come to the Senate for the advice and consent demanded under the Constitution of the United States and make sure that what you are doing has any logic and common sense whatsoever, because right now it does not.

I urge the adoption of the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Chairman, let us understand what this is really all about. this is the de facto abrogation of the ABM Treaty because we would be prohibited, under the terms of this amendment, from participating in the Standing Consultative Committee under the ABM Treaty, which is the body that deals with compliance issues.

How will that be interpreted by the Russians who are still debating START II ratification? It will be seen by them as essentially an abrogation, as the start down the road toward the development of a broad missile defense system in this country.

That, in turn, will mean that all of our efforts to reduce nuclear missile armaments in the old Soviet Union, now in Russia, will grind to a halt and play directly into the hands of the nationalist sentiments in Russia to hang on to every missile that they now possess.

Now, if we think that is going to produce a more secure world for the United States, I beg to differ.

This is fundamentally, profoundly nuts. It is going in absolutely the wrong direction. It is inviting an aggravation in a very, very dicey and delicate path that we are trying to walk down, nuclear disarmament and the reduction of nuclear arms.

Now, if that is what the other side wants, so be it, but let us not pretend that anything else is at issue here but that fundamental question of a fork in the road. Do we want to continue to work with the Russians to reduce their stockpiles, to get the START III, to bring down the level of nuclear threat in the world?

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman acknowledge that despite the passage of some 5 years' of time the Russians have yet to even ratify START II, let alone START III?

Mr. SKAGGS. We have already acknowledged that and it is a prerequisite to getting to START III, which I assume the gentleman would agree would be in our national interest, but maybe not. Maybe he thinks we should hang on to more nuclear weapons.

Mr. LIVINGSTON. If the gentleman will continue to yield, I think the first thing to do is to defend the American people.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, that is the practical consequence of the adoption of this amendment. Members should be under no allusion to the contrary. This amendment guts the ABM. It prohibits our participation in compliance activities. It will be seen, without any question, by the Russians as a reversal afield on the whole regime of nuclear arms limitation.

Mr. MCINTOSH. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Indiana (Mr. MCINTOSH) has 5½ minutes remaining and the gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining, and the right to close.

Mr. MCINTOSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would note that the proponents of ABM refer to that system as MAD. If they think this is nuts, that is MAD, mutually assured destruction. It is truly madness that we would hold innocent populations hostage the way we have.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

□ 2200

Mr. WELDON of Pennsylvania. Mr. Chairman, let us get our facts straight here. I chair the Duma Congress Study Group. I probably spend as much time with members of Duma as any Member of this Congress. In fact, I know over 200 of them personally.

Let us not put rhetoric on the table. Let us talk about this amendment. This amendment does not abrogate the ABM Treaty. In fact, I have been the one to offer to stand up and oppose any attempt to deliberately abrogate the Treaty.

What does it do? It stops this administration from imposing significant amendments and expansion of the ABM Treaty that harm our national security without the advice and consent of the Senate. That is all it does.

Five times this body has gone on the record and said that the U.S. Senate must be consulted. The ranking member of the full Committee on Appropriations just made a statement. He said the President said he will submit that to the Senate.

Well, I will call to the attention of my colleague and friend a letter sent on May 1, 1998, by Secretary Cohen to the services saying, ''you will begin to implement the Missile Defense Treaty signed.'' That has already been done.

And following that, the Secretary for Research and Development, John Douglas, has begun already implementing this agreement without the Senate even being considered to give the document to them. That is already in place.

What we are saying is give the Senate the chance. Why do we say that? Now, the gentleman talked about the negotiations in Geneva. I went there. I think I am the only House member that sat across from General Koltunof, the chief Russian negotiator, for 2½ hours.

I said to the general, why do you want to expand the Treaty to include Belorus, Kazakhstan, and Ukraine? They do not have ICBMs. He said, congressman, you are asking that question

to the wrong person. We did propose to expand the ABM Treaty. The gentleman sitting next to you, Stanley Rivilus, our chief negotiator.

Why do we want to expand the ABM Treaty, because it locks us into a treaty that we cannot modify for our own best interests. What about the demarcation limitations, the other expansion? The demarcation limitations do not down our missile defense capability.

Let me show my colleagues something that I got today. This is a document of the most capable Russian air defense system that they just tried to sell to Israel. This system we cannot match. It is better than PAC–3 when it is deployed. It is called the ANTEI–2500.

This system, I wonder where the demarcation numbers came from. This system just barely complies with them. So now what we found is this administration has agreed to demarcation standards that benefit Russia, that give Russia a capability that we cannot go beyond, even though this system is better than our PAC–3.

If my colleagues support Israel, if they support Israel's defense, if they support the defense of this country and our ability to develop capable theater missile defense systems, then they will support this amendment. All it does is it says that we will withhold the funding from ACTA until the Senate is given the required documentation. That is all it does.

It does not abrogate any treaty. It does not control the administration. It says, let the Congress play its rightful role. And I think this Congress deserves to do that because we need to understand our lives and our friends and our allies who are at risk here.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

With all due respect to the expertise of the gentleman who just spoke, for this Congress, at a little after 10:00 in the evening, with no hearings and no reasonably thoughtful debate on the subject, for this Congress to take an action which prevents this administration from proceeding to do anything to modernize the very treaty that the other side says must be modernized would be the consummate act of arrogance and ridiculousness performed by this Congress in the entire session. It would bring great discredit on the Congress, and we ought not to do that.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding.

This is not an issue about the role of missile defenses. In the wake of the end of the Cold War and in the context of a very dangerous world where rogue states and accidental launches loom larger than ever in terms of the problems, I think it is appropriate to think about and reconsider questions of missile defenses.

The fact is every single active program that we are involved in the area of theater missile defenses PAC–3, THAAD, U.S. Navy Area Wide, all under development, researched, every one of them as currently configured and designed are fully compliant with the ABM Treaty.

This is a question about the breakup of the Soviet Union, when we signed, just like we did with START II, when we signed those obligations to the successor states, Russia, Kazakhstan, Ukraine, Belorus, whether those obligations are going to apply.

The administration has made it absolutely clear, as soon as the Duma ratifies START II, the President is going to Russia to advance that cause in the next few weeks, he will submit to the Senate for ratification not only the memorandum of understanding but the two agreements related to it that are cause of concern.

The Senate will have every opportunity to exercise its constitutional rights with respect to these particular issues.

Stopping the funding for the Standing Consultative Committee and for our ability to participate in it does not advance the cause. Let us get down to the basic questions. What kinds of missile defenses are feasible? To what extent do we need to break out of ABM? To what extent do we have a strategy to do this in cooperation with Russia and the other parties down to the ABM agreement in a way that both is in our interests and something that we can convince is in their interest as well so we can protect against the concerns that the proponents of this amendment want?

I urge a no vote on the amendment.

Mr. McINTOSH. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Indiana (Mr. MCINTOSH) has 2¼ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining.

Mr. MCINTOSH. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, let me answer the distinguished ranking member.

First of all, he says there has been no debate on this issue. I would remind my colleague there have been 5 separate votes on this issue on this floor. And I will include those votes, in the CONGRESSIONAL RECORD.

Since 1995, this body has voted 5 times, overwhelmingly each time, to require that this administration before it takes plans to implement submit that treaty to the Senate.

Our point is that this administration is already implementing the terms of the agreement. I just read to the gentleman a letter dated May 1, 1998, from Secretary Cohen to the services saying to proceed with implementing new missile defense treaties. Agreed to in September of 1997.

It is already underway. It is preceding even giving the treaty to the Senate which this body has voted on 5 times overwhelmingly in favor of. You have to match the facts with the rhetoric, and the rhetoric coming from that side just does not match the facts. Support the amendment of the gentleman.

Mr. MCINTOSH. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, let me just say we have had a vote earlier on the Kolbe amendment. Perhaps my colleagues saw the Kolbe amendment pass. I think it was almost 400.

The problem is here in the House we are starting to feel the President is moving out not just on his own agenda, whether it be domestic or social, he is also moving out on a military agenda. As the gentleman from Pennsylvania (Mr. WELDON) mentioned, he is using the word ''proceed'' forward with a treaty without going to the Senate to ratify.

So it is appropriate today, tonight when we think about the executive orders, to also put in perspective that the President is moving out on a defense agenda without Congress, and all my colleague is saying is hold it, hold it. Let us not move forward without the Senate.

Mr. MCINTOSH. Mr. Chairman, I yield myself such time as I may consume.

I would point out that in 1996, this House passed a virtually identical amendment that the gentleman from Louisiana (Mr. LIVINGSTON) brought to the floor.

Mr. Chairman, I yield the remaining 45 seconds to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong support of the McIntosh-Weldon amendment. The Clinton administration's record on missile defense has been very, very weak. Incredibly, on June 23, the President vetoed the Iran Missile Proliferation Sanction Act. And only one month later, on July 23, the White House confirmed that Iran had tested a missile with a range of 800 miles the previous day.

Clearly, Cold War or no Cold War, the world remains a very dangerous place. Unfortunately, the Clinton administration consistently fails to see that danger.

Rogue nations are continuing to attempt to acquire nuclear weaponry. And our liberal friends are always saying that we must do this for the children, do that for the children. If we really want to do something for the children of this Nation, we ought to make sure that they are protected from the threat of nuclear weapons falling upon their home towns.

Mr. MCINTOSH. Mr. Chairman, I yield such time as he may consume to

the gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Chairman, I rise in support of this amendment.

Mr. OBEY. Mr. Chairman, could I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if the gentleman from Pennsylvania (Mr. WELDON) is going to quote me, just for the heck of it, it would be nice if he would quote me accurately.

I never said that there was no debate in the Congress on this subject. I said that there was no thoughtful debate tonight, and I stand by that comment.

I will simply say, Mr. Chairman, that despite all of the rhetoric tonight, the practical effect of this action is to unilaterally take the United States out of compliance with the ABM Treaty. That is no response that any responsible legislative body would make, and I cannot believe that the gentleman is suggesting that we do anything like it.

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT) for closing.

Mr. SPRATT. Mr. Chairman, there is a season for everything. There is a time to ratify START II, and that is now, immediately, as soon as we can get the Duma to do it. And then there is a time to ratify START III. It comes right on the heels of START II. And that should come immediately. It should come next after we have completed the work on START II.

Once we do that we will have the warheads in each of our arsenals down to 2,000 to 3,000 strategic warheads each. At that point in time, it will be the season to take up the ABM Treaty and look at it, because in many ways it is a relic of the Cold War and it has outlived many of its purposes.

But, for the time being, it is a symbol of stability. We pull the rug out from the ABM, the Standing Consultative Committee, we abruptly cut off funding, and that is a signal to the Russians that they better be careful and think twice about ratifying START II. And everything begins to become unraveled.

There is nothing in these negotiations that gives rise to any immediate problems. We are trying to define the demarcation between strategic and theater weapons. In doing so, we have chosen to define the difference as being the planner in which the system, the interceptor, is tested. Is it tested against an incoming object that would be the speed of an RV coming from the exoatmosphere if launched by an ICBM, or is it traveling at the speed of a tactical or theater missile, a much lower speed? If it is tested only against the latter, then it is a theater defense system. If it is tested against an ICBM speed RV, then it is a strategic system.

It is a practical distinction. I do not think it serves a great deal of purpose. But, for the time being, in order to maintain our relations with the Soviets, with the Russians, to stabilize them to try to get START II ratified and START III negotiated, it makes sense not to rattle their cage on the ABM Treaty.

This is not the kind of diplomacy or legislation we need now. It is not necessary. The law is already on the books. And it is not going to impede one single thing if these demarcation rules were implemented by the President.

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman form Indiana, Mr. MCINTOSH.

The amendment is designed to correct something that shouldn't require correcting, but regrettably does.

Ever since the collapse of the Soviet Union, there has been a question about which countries, if any, succeeded to the obligations of the Soviet Union under various arms control treaties. This question has been particularly acute with regard to the Anti-Ballistic Missile, or ABM, Treaty.

The administration has had a very hard time making up its mind about what countries, if any, succeeded automatically to the Soviet Union's obligations under the ABM Treaty. At one point, they appeared to suggest there was no automatic successor at all. More recently, they have implied that Russia alone is the successor.

The Heritage Foundation recently released an excellent legal analysis concluding that, as a matter of international and domestic law, there is no successor and therefore the ABM Treaty has lapsed.

In an effort to clarify the legal situation, I have exchanged a series of letters with the President on this subject. I ask unanimous consent that this correspondence be inserted in the RECORD at this point.

The administration has attempted to deal with this uncertainty by negotiating a Memorandum of Understanding that would make four countries successors to the Soviet Union for purposes of the ABM Treaty: Russia, Ukraine, Belarus, and Kazakhstan. Under pressure from the Senate, the President has agreed to submit this Memorandum of Understanding for Senate advice and consent.

Many Members of both the House and the Senate question the wisdom of the Memorandum of Understanding, and perhaps because of this, the President has delayed submitting it to the Senate.

The McIntosh amendment deals with the likelihood that the administration will act as though the Memorandum of Understanding is in effect even though it has not been approved by the Senate. It is designed, in other words, to hold the President to his commitment to the Senate.

I would note the obvious fact that this amendment is not intended to prevent U.S. participation in the Standing Consultative Commission if the President submits and the Senate ratifies the Memorandum of Understanding on succession.

Under the rules of the House governing our deliberations today, however, it is not in order to include such an exception in the text of the amendment. I am sure that this is a matter that will be addressed in conference.

It is a very good amendment, and it deserves our support.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, June 16, 1997.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Last week the House of Representatives approved H.R. 1758, the ''European Security Act of 1997.'' I originally introduced this legislation on April 24th of this year with the cosponsorship of Dick Armey, Jerry Solomon, Porter Goss, Curt Weldon, and others to address a number of issues bearing on U.S. relations with Russia.

Pursuant to House Resolution 159, the European Security Act as passed by the House has been appended to H.R. 1757, the ''Foreign Relations Authorization Act for Fiscal Year 1998 and 1999.'' Inasmuch as the Senate companion measure to H.R. 1757 is scheduled for Senate floor action this week, it appears likely that the European Security Act will be addressed in a House-Senate conference committee in the very near future.

As we prepare for conference on the European Security Act, we find it necessary to ask for additional information relevant to one of the bill's provisions relating to multilateralization of the Anti-Ballistic Missile (ABM) Treaty.

Section 6(c)(1) of the European Security Act states that:

''It is the sense of the Congress that until the United States has taken the steps necessary to ensure that the ABM Treaty remains a bilateral treaty between the United States and the Russian Federation (such state being the only successor state of the Union of Soviet Socialist Republics that has deployed or realistically may deploy an anti-ballistic missile defense system), no ABM/TMD demarcation agreement will be considered for approval for entry into force with respect to the United States . . .''

I am aware that, subsequent to the introduction of the European Security Act, the Senate on May 14th approved Treaty Doc. No. 105–5, a resolution advising and consenting to ratification of the CFE Flank Agreement. Condition 9 of this resolution required the President to:

''. . . certify to Congress that he will submit for Senate advice and consent to ratification any international agreement . . . that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty . . .''

I am further aware that, on May 15th, you submitted to Congress the certification required by Condition 9 of Treaty Doc. No. 105–5.

In order to help the conferees on the European Security Act understand the degree to which section 6(c)(1) of that bill has been addressed (and perhaps rendered unnecessary) by Condition 9 of Treaty Doc. 105–5, I would appreciate receiving your prompt response to the following questions:

1. In the view of the Administration, what countries in addition to the United States are today parties to the ABM Treaty?

2. What countries sent representatives to the most recent meeting of the Standing Consultative Commission in Geneva?

3. To the extent that the list of countries identified in response to question no. 1 includes countries in addition to those identified in response to question no. 2, does the Administration believe that those additional countries have the legal right to send representatives to meetings of the Standing

Consultative Commission and otherwise participate in the administration of the ABM Treaty?

4. To the extent that the list of countries identified in response to question no. 1 includes countries in addition to those identified in response to question no. 2, why are those additional countries not currently participating in the Standing Consultative Commission? Are those additional countries aware that, in the view of the United States Government, they are parties to and are bound by the ABM Treaty? On what date were they informed of this fact by the United States Government?

5. To the extent that the list of countries identified in response to question no. 2 includes countries in addition to those identified in response to question no. 1, what is the legal justification for the participation of those additional countries in the Standing Consultative Commission?

6. Does the Administration currently intend to conclude with Russia, Ukraine, Kazakhstan, Belarus, or any other of the newly independent states an agreement or agreements regarding ABM Treaty succession?

7. In the event that the Senate fails to act on an agreement submitted to it by the Administration regarding ABM Treaty succession, what countries in addition to the United States will, in the view of the Administration, be parties to the ABM Treaty?

8. In the event that the Senate votes to reject an agreement submitted to it by the Administration regarding ABM Treaty succession, what countries in addition to the United States will, in the view of the Administration, be parties to the ABM Treaty?

9. Apart from the consequences that would flow from Senate approval of, rejection of, or inaction on an agreement submitted to it by the Administration regarding ABM Treaty succession, what other developments, if any, may lead to a change in the list of countries that are today parties to the ABM Treaty?

10. Apart from the consequences that would flow from the Senate approval of, rejection of, or inaction on an agreement submitted to it by the Administration regarding ABM Treaty succession, what other developments, if any, may lead to a change in the list of countries legally entitled to send representatives to meetings of the Standing Consultative Commission and otherwise participate in the administration of the ABM Treaty?

I appreciate your cooperation in this matter.

With warmest regards,

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

THE WHITE HOUSE,
Washington, November 21, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the Anti-Ballistic Missile (ABM) Treaty succession arrangements. As you know, after discussion between our staffs, we deferred this formal response to your letter pending completion of the ABM-related agreements, including the Memorandum of Understanding (MOU) on ABM Treaty succession. These documents were signed on September 26, 1997, and mark, along with the START II documents that were signed the same day, a significant step forward. The MOU, as well as the agreements relating to the demarcation between theater and strategic ballistic missile defense systems, will be provided to the Senate for its advice and consent. Thus, the Congressional concerns that you raised related to approval of these agreements have been directly addressed.

You raised a number of questions on ABM Treaty succession generally. Let me make a few background points. The MOU on succession was the result of detailed negotiations spanning several years. When the USSR dissolved at the end of 1991, it became necessary to reach agreement as to which former Soviet states would collectively assume its rights and obligations under the Treaty (which clearly continued in force by its own terms). The United States took the view that, as a general principle, agreements between the United States and the USSR that were in force at the time of the dissolution of the Soviet Union would be presumed to continue in force as to the former Republics. It became clear, however, particularly in the area of arms control, that a case-by-case review of each agreement was necessary.

In dealing with matters of succession, a key U.S. objective has been to preserve the substance of the original treaty regime as closely as possible. This was true with respect to the elaboration of the MOU as well. Accordingly, the MOU works to preserve the original object and purpose of the Treaty. For example, it restricts the four successor states to only those rights held by the former Soviet Union by limiting them collectively to no more than 100 interceptors on 100 launchers at a single ABM deployment area and precluding the transfer of ABM systems and components to states that are not Party to the Treaty. Neither a simple recognition of Russia as the sole ABM successor (which would have ignored several former Soviet states with significant ABM interests) nor a simple recognition of all NIS states as full ABM successors would have preserved fully the original purpose and substance of the Treaty, as approved by the Senate in 1972.

Our willingness to work with key successor states, in addition to Russia, on strategic arms control issues has served, and will continue to serve, U.S. national security interests. Under the Lisbon Protocol to the START I Treaty, Belarus, Kazakhstan, Russia and Ukraine, the successor states on whose territory all strategic offensive arms of the former Soviet Union were based and all declared START-related facilities were located, assumed the rights and obligations of the former Soviet Union under the START I Treaty. The Protocol also obligated Belaraus, Kazakhstan, and Ukraine to adhere to the Treaty on the Nonproliferation of Nuclear Weapons. Both the Bush Administration and Clinton Administration engaged in major diplomatic initiatives to ensure implementation of the Lisbon Protocol, especially with respect to the removal of all nuclear warheads from Ukraine, Belarus, and Kazakhstan; the accession of these successor states to the Nonproliferation Treaty; and the entry into force of START I.

For certain key successor states to the former Soviet Union, ABM Treaty succession was, and remains, a priority issue. Ukraine, in particular, has made clear to us that it considers Ukraine's legal status under the ABM Treaty to be the same as under the INF Treaty (to which it is considered a Party) and that, in its view, its succession status with regard to both Treaties should be the same.

There are many complex factors in our strategic relationship with the former Soviet states. Had we been unwilling to engage with states in addition to Russia on key arms control agreements (START, INF and ABM), it is unlikely that we would have achieved the kind of comprehensive resolution of issues related to the disposition of strategic assets that has been achieved. A change in course at this time that would exclude key successor states from the ABM succession formula could place at risk continued progress on strategic arms and other nuclear matters.

Since the last review of the ABM Treaty in 1993 (required every five years by the terms of the Treaty, Belarus, Kazakhstan, Russia, and Ukraine—each of which have ABM Treaty-related assets on its territory—have been the only former Soviet republics that have participated in the ABM Treaty-related discussions held in the Standing Consultative Commission (SCC). While the other eight former Soviet republics have been informed of SCC sessions, none has participated, and three—Armenia, Azerbaijan, and Moldovia—have expressed their lack of interest in being considered as Parties to the Treaty. Indeed, it has become clear over the past four years of negotiations that, in addition to Russia, the former Soviet republics of Belarus, Kazakhstan, and Ukraine have substantial interest in the specific subject matter of the Treaty. For these reasons, prior to the signing of the MOU, the United States notified the other eight new independent states of our intentions to bring the succession issue to closure and to sign the MOU with Belarus, Kazakhstan, the Russian Federation, and Ukraine, recognizing that these four successor states along with the United States, constitute the Parties to the ABM Treaty.

Upon its entry into force, the MOU will confirm the four former Soviet states participating in the SCC as the successor states to the Soviet Union for purposes of the Treaty. This does not constitute a substantive modification of rights and obligations under the Treaty; rather, it is a recognition of the status of those former Soviet republics in light of dissolution of the USSR. As a practical matter, the recently signed SCC regulations make clear that the increased SCC participation will be structured in a way similar to, and having the same effect as, that which has been successful for the United States in working with Belarus, Kazakhstan, Russia and Ukraine in implementing the START and INF Treaties.

As to your question regarding the possibility that the Senate might fail to act upon or might reject the MOU on succession, we believe that the case for all the ABM-related agreements, including the MOU on succession, will prevail on its merits. We further believe that the package of agreements serves U.S. national security and foreign policy objectives. If, however, the Senate were to fail to act or to disagree and disapprove the agreements, succession arrangements will simply remain unsettled. The ABM Treaty itself would clearly remain in force.

We appreciate this opportunity to clarify the record in this area and look forward to future opportunities to communicate and consult with you on these matters.

Sincerely,

BILL CLINTON.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 3, 1998.

THE PRESIDENT,
The White House, Washington, DC

DEAR MR. PRESIDENT: We appreciate your response of November 21, 1997, to Chairman Gulman's letter of June 16, 1997, regarding the proposed multilateralization of the Anti-Ballistic Missile (ABM) Treaty. We appreciate as well your making Administration lawyers available to meet with congressional staff on January 30, 1998, to elaborate on your November 21st response.

The most important legal question that arises in connection with multilateralization of the ABM Treaty is the first question posed in Chairman Gilman's letter: In the view of

the Administration, what countries in addition to the United States are today parties to the ABM Treaty?

Your response to this question appears to be: Until an agreement on succession to the ABM Treaty comes into force, the identity of the other party or parties to the ABM Treaty is ''unsettled.'' Indeed, when asked on January 30th whether Russia, Ukraine, Uzbekistan, or any other country that emerged from the Soviet Union is today prohibited by the ABM Treaty from deploying an ABM system at more than one site, Administration lawyers stated repeatedly that it is ''unclear'' whether any of these countries is so bound.

The Administration's response is profoundly disturbing. If it is unclear as a matter of law whether Russia or any other country that emerged from the Soviet Union is today bound by the ABM Treaty, then it also should be unclear whether the United States is so bound. Yet the Administration has insisted for years that the United States remains fully bound by the ABM Treaty.

With regard to ballistic missile defense, for example, the Administration has argued consistently that the United States should not test or deploy certain systems that could provide our nation highly effective protection against ballistic missile attack because such systems would violate our nation's obligations under the ABM Treaty. It now appears, however, that the Administration views the United States, at least for the time being, as the only country that is clearly subject to those obligations.

It is obvious to us, however, that under basic principles of international law a treaty requires more than one state party in order to give rise to binding legal obligations. If the Administration is unable to identify any country in addition to the United States that is today clearly bound by the ABM Treaty, then there is no country that the United States can look to today to uphold the obligations previously imposed on the Soviet Union by the Treaty, and no country that today is entitled to complain if the United States fails to uphold the Treaty.

If, in fact, the Administration does not consider the United States to be the only country that is today clearly bound by the ABM Treaty, we would appreciate your identifying for us the other country (or countries) that is today party to—and bound by—the Treaty. In the absence of such clarification, we will have no choice but to conclude that the ABM Treaty has lapsed until such time as the Senate approves a succession agreement reviving the Treaty.

Thank you for your attention to this inquiry.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
Chairman, Committee on International Relations.

JESSE HELMS,
Chairman, Committee on Foreign Relations.

THE WHITE HOUSE,
Washington, May 21, 1998.

Hon. BENJAMIN GILMAN,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the Anti-Ballistic Missile (ABM) Treaty succession arrangements. As I said in my letter of November 21, 1997, the Administration will provide to the Senate for its advice and consent the Memorandum of Understanding (MOU) on ABM Treaty succession, which was signed on September 26, 1997. Moreover, the MOU will settle ABM Treaty succession. Upon its entry into force, the MOU will confirm Belarus, Kazakhstan, Russia, and Ukraine as the successor states to the Soviet Union for purposes of the Treaty and make clear that only these four states, along with the United States, are the ABM Treaty Parties.

In your letter of March 3, you state that if the Administration is unable to identify any country in addition to the United States that is clearly bound by the Treaty, then you would have no choice but to conclude that the Treaty has lapsed until such time as the Senate approves a succession agreement reviving the Treaty.

Following the dissolution of the Soviet Union, ten of the twelve states of the former Soviet Union initially asserted a right in a Commonwealth of Independent States resolution, signed on October 9, 1992, in Bishkek, to assume obligations as successor states to the Soviet Union for purposes of the Treaty. Only four of these states have subsequently participated in the work of the Standing Consultative Commission (SCC), and none of the other six has reacted negatively when we informed each of them that, pursuant to the MOU, it will not be recognized as an ABM successor state. A principal advantage of the Senate's approving the MOU is that the MOU's entry into force will effectively dispose of any such claim by any of the other six states.

In contrast, Belarus, Kazakhstan and Ukraine each has ABM Treaty-related assets on its territory; each has participated in the work of the SCC; and each has affirmed its desire to succeed to the obligations of the former Soviet Union under the Treaty.

Thus, a strong case can be made that, even without the MOU, these three states are Parties to the Treaty.

Finally, the United States and Russia clearly are Parties to the Treaty. Each has reaffirmed its intention to be bound by the Treaty; each has actively participated in every phase of the implementation of the Treaty, including the work of the SCC; and each has on its territory extensive ABM Treaty-related facilities.

Thus, there is no question that the ABM Treaty has continued in force and will continue in force even if the MOU is not ratified. However, the entry into force of the MOU remains essential. As I pointed out in my letter of November 21, the United States has a clear interest both in confirming that these states (and only these states) are bound by the obligations of the Treaty, and in resolving definitively the issues about ABM Treaty succession that are dealt with in the MOU. Without the MOU, ambiguity will remain about the extent to which states other than Russia are Parties, and about the way in which ABM Treaty obligations apply to the successors to the Soviet Union. Equally important, maintaining the viability of the ABM Treaty is key to further reductions in strategic offensive forces under START II and START III.

I appreciate this further opportunity to clarify the record in this area.

Sincerely,

BILL CLINTON.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MCINTOSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH) will be postponed.

AMENDMENT NO. 49 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. KUCINICH:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for the filing of a complaint, or any motion seeking declaratory or injunctive relief pursuant thereto, in any legal action brought under section 102(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3312(b)(2)) or section 102(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3512(b)(2)).

Mr. KUCINICH. Mr. Chairman, imagine that your hometown or state passes a law that promotes restitution for Holocaust victims whose gold was pulled from their mouths, melted down, and then deposited in Swiss accounts by Nazis. And imagine that the World Trade Organization, an international tribunal of unelected trade bureaucrats, decides in Geneva that the law is inconsistent with international trade and investment agreements.

Then the mayor and town legislature are hauled into federal court by the administration of the United States Government.

□ 2215

According to the GATT and NAFTA implementing legislation, the administration can sue to preempt the law and enforce the WTO decree, a power that was formerly reserved only for the United States Congress. The amendment that I offer this evening would deny funds for a Federal legal challenge against our State and local governments.

I offer this amendment because Congress gave too much power to the administration by permitting it to preempt the laws of local and State governments on the grounds that they are inconsistent with international trade and investment agreements. That is the function of Congress. My amendment would effectively restore the separation of powers that has existed until 1993. It would protect important and valuable State and local laws.

The administration has already stated its opposition to New York City's Holocaust victims compensation law. Unless we pass this amendment, the administration will be able to sue New York City and any other jurisdiction that dares to adopt such legislation. At risk, too, are the Burma selective purchase laws that 22 cities and four States around the country have enacted or are considering. Those are laws like the ones passed by Massachusetts, New York City and Portland, Oregon that limit municipal tax dollars from going to the military regime in

Burma through companies that do business in Burma. Nearly every State in the Nation has laws that are at risk if we do not pass this amendment tonight.

Besides giving a club to the administration, the GATT and NAFTA implementing legislation has sent a chilling effect over local lawmaking. Earlier this year the State of Maryland considered passing a selective purchase law to promote human rights and to correct environmental abuses in Nigeria. The Federal Government showed up in Annapolis to warn lawmakers that the Maryland law would be GATT illegal. The threat of a Federal lawsuit backed up the State Department official's warning. In the face of such pressure, Maryland backed down.

Not long ago, a repressive racist regime ran South Africa with an iron fist. Our cities and States responded with selective purchase and divestment laws. As Randall Robinson, President of TransAfrica said, ''Had we been bound by such trade rules as these during our struggle to free South Africa, Nelson Mandela might still be imprisoned.''

Mr. Chairman, some opponents of this amendment have claimed that State laws such as New York City's contemplated Holocaust victims compensation law are unconstitutional. That is not true. We agree with the conclusion of Ronald Reagan's Justice Department that State and local governments have the constitutional authority to determine with whom they do business. That opinion is founded firmly on Supreme Court decisions.

Some opponents have said the administration is not required to sue State and local governments on the basis of any WTO decision, so this amendment is not necessary. That is not true. Consider the GATT panel order in the case commonly known as Beer II. There the GATT panel wrote that the States had to comply with GATT decisions and the Federal Government was required to force compliance. The GATT panel said, ''GATT law is part of Federal law in the United States and as such is superior to GATT-inconsistent State law.''

Now, Mr. Chairman, this amendment, the Kucinich/Sanders/Ros-Lehtinen/DeFazio/Stearns amendment has received widespread support from a representative coalition of civic organizations: B'nai B'rith, Sierra Club, American Cause, the U.S. Business and Industry Council, Public Citizen, American Jewish Congress, Free Burma Coalition, TransAfrica, Simon Wiesenthal Center, Africa Fund, American Lands Alliance, Ralph Nader, Randall Robinson, Pat Buchanan and Bay Buchanan, Citizens Trades Campaign, the Preamble Center, Co-op America, the PEN American Center, the Front Range Fair Trade Coalition of Colorado, Alliance for Democracy, Open Society Institute's Burma Project, Citizens for Participation in Political Action, Seattle Burma Round Table, and the list goes on.

Why have all these groups endorsed the amendment? Because all the citizen groups from the entire political spectrum share a common need for access to a meaningful democratic process. The GATT/NAFTA implementing legislation closed access to the democratic process.

Support our amendment. Support your hometown's constitutional right to legislate on important matters. Support Holocaust victim compensation law. Vote ''yes'' on Kucinich/Sanders/Ros-Lehtinen/DeFazio/ Stearns.

Mr. CRANE. Mr. Chairman, I rise in opposition to the Kucinich amendment.

(Mr. CRANE asked and was given permission to revise and extend his remarks.)

Mr. CRANE. Mr. Chairman, this amendment would prohibit the use of any of the funds appropriated by this bill to challenge a State law on the grounds that it is inconsistent with NAFTA or the Uruguay Round Agreements.

Let there be no mistake. This is an anti-trade, anti-export amendment that would have the effect of encouraging States to enact discriminatory statutes in violation of international trade agreements. By denying the Federal Government the constitutional authority to regulate foreign commerce, the amendment would invite trade retaliation against U.S. exports.

In granting Congress the authority ''to regulate commerce with foreign nations,'' Article I, section 8 of the Constitution recognizes the need for uniformity among the States in the conduct of international trade. As Daniel Webster stated, ''The prevailing motive was to regulate commerce; to rescue it from the embarrassing and destructive consequences resulting from legislation of so many States, and to place it under the protection of a uniform law.'' In cases where there is a conflict between an act of Congress that regulates commerce and local or State legislation, Federal law enjoys supremacy.

In order to encourage uniformity among the States, Congress wrote the laws implementing NAFTA and the Uruguay Round Agreements to state plainly that it is the exclusive right of the Federal Government to challenge State laws on the grounds that they violate international trade obligations.

One thing should be made clear in this debate. The authority to bring legal action against the States has never been used during the 50 years that the GATT global trading system has been in effect.

I want to remind my colleagues that Congress established elaborate consultation procedures to protect the interests of States in these matters, and to ensure that representatives of States play a formal role in any international dispute settlement proceeding that concerns their laws and practices.

For those who raise concerns about U.S. sovereignty, I emphasize that the statutes implementing NAFTA and the Uruguay Round Agreements also state that panel reports under the World Trade Organization dispute settlement mechanism or under NAFTA are not binding as a matter of U.S. law and cannot form the basis for bringing suit in U.S. courts. In fact, the Uruguay Round Agreements Act specifically precludes Federal courts from giving WTO panel reports any deference. Thus, in the regulation of foreign commerce, Federal law is the ''law of the land,'' and neither WTO dispute settlement panels, nor the WTO itself, has any power to compel any change in U.S. law or regulation. It is up to the United States government to decide how it will respond, if at all, to WTO and NAFTA panel reports.

Yesterday we considered a resolution calling on the European Union to bring measures that restrict the exports of U.S. beef and bananas into compliance with WTO obligations. The adoption of the Kucinich amendment would directly undermine these efforts to get the EU to come into compliance with its WTO obligations.

This is a flawed amendment put forward by those who desire to build walls of protection around the United States, while sacrificing the benefits of a functioning international trading system for our workers and businesses.

I urge a ''no'' vote on the amendment offered by the gentleman from Ohio.

Mr. BONIOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise and urge my colleagues to support the amendment from the distinguished gentleman from Ohio (Mr. KUCINICH). No trade agreement should undermine the values that we have fought so hard for in this country, strong environmental laws, strong health and safety laws, support for human rights. All of these issues have been fought at the State and at the local level through debate, through struggle over the years, and no international organization ought to be able to come in and just shut that off without having folks be able to participate.

Now, some of these agreements are being used to strip away these very important local and State laws that I just mentioned and that the gentleman from Ohio so eloquently illustrated.

What is worse is that the State and the local governments, which are not even at the table when these trade deals are negotiated, are the targets of these efforts. We see threats being made against local sanctions laws, environmental laws, consumer protection laws and Buy American laws, and in States and communities across the country, local initiatives to sanction the regimes in Burma and Nigeria are being undermined. I think it is important to remember that in the 1980s these same local efforts contributed greatly to the ending of apartheid in South Africa and the eventual freeing of Nelson Mandela. We will lose that economic leverage by letting trade deals deny communities their voice on human rights and democracy.

Ultimately we must make sure that our trade agreements do not undermine the ability of our States and communities to protect consumers, to support workers and to protect human rights. But today at the very least, we can protect the rights of States and communities and afford them the due process that we advocate when we come to this floor every day.

Mr. Chairman, I urge my colleagues to vote for the Kucinich amendment. It is an important amendment. If you value what your local officials and your State officials do, if you value devolution which we talk about on this floor often, if you value local control, if you value what is important at the heart of democracy, the local level, please vote for this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words. I am proud to be a cosponsor of this amendment and I congratulate the gentleman from Ohio (Mr. KUCINICH) for his leadership and his hard work on garnering bipartisan support on this very critical and important item.

The message that this amendment serves to underscore is that diplomacy does not mean surrender. In our eagerness to expand and grow through increased global trade, we must be careful about the concessions that we make. We must be careful not to sacrifice U.S. sovereignty. We must be careful not to sacrifice domestic interest and our American principles in exchange for foreign commitments that are ephemeral at best. We must not allow foreign entities and international tribunals the authority to challenge and to rival the U.S. constitutional framework by doing away with local, State and tribal laws, nor must we allow them to rule on what constitutes American domestic and national security interests. Unfortunately, this is precisely what the World Trade Organization is doing.

Through the various agreements under the jurisdiction of the WTO, no less than seven principles that create the constitutional foundation for the role of States as laboratories of democracies, as former Supreme Court Justice Brandeis once said, are in jeopardy. Several doctrines which the Supreme Court has recognized governing the stewardship of property and natural resources are directly affected. Even free speech in the form of consumer choice campaigns is being threatened as eco-labels, nutrition labels and disclosure of child labor are open to challenges under WTO mandates of uniformity. The WTO threatens such laws as the Burma selective purchase laws which limit municipal tax dollars from going to the military regime in Burma through companies that do business in Burma. It undermines and challenges the use of sanctions at all levels of our government.

According to the Georgetown University Law Center, this also has a profound implication for the future of hundreds of treaties that have yet to develop meaningful enforcement tools.

□ 2230

At immediate risk are the sanctions laws the City of New York and the States of California and New Jersey are considering against Swiss banks that have held assets stolen by the Nazis from Holocaust victims many years ago. Switzerland has already given public notice of its intent to get a ruling from the WTO. The WTO expects us to forget the price that these Holocaust victims have paid, forget fairness and justice, ignore that the Swiss are protecting the rights of the barbaric and brutal Nazi criminals and denying the rights of Holocaust victims.

Is this what we want to defend? Are principles and beliefs that are the rubric of American society to be held hostage by the WTO? The answer, of course, must be a resounding no.

This amendment insures that the ultimate fate of subnational policies and laws are decided by the American political system and not by foreign bureaucrats.

Do not be fooled by opponents of this amendment. The Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment does not preclude constitutional challenges to State and local laws. It does, however, prevent the use of taxpayer funds for legal actions which are essentially carrying out the WTO rules.

For these and numerous others, Mr. Chairman, we must support this amendment. I ask my colleagues to render their support and vote in favor of the Kucinich-Sanders-Ros-Lehtinen-DeFazio-Stearns amendment.

Mr. Chairman, I move to strike the requisite number of words.

Mr. ROGERS. Mr. Chairman, I know there are a number of speakers on this important matter on both sides.

In the interests of time, Mr. Chairman, I wonder if we could talk about the possibility of capping the debate at, say, 20 minutes, 10 for each side, or some other figure. I am trying to find something that we can agree upon to somewhat cut off debate at some reasonable hour.

If 20 minutes is too little, perhaps the sponsor would have a better idea?

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I would just suggest that Members have been waiting here for many hours. This is an issue of enormous consequence. There are a lot of speakers who would like to speak.

So I do appreciate, I think we appreciate, the gentleman's wanting to move this long, but a lot of people have waited a long time to give their thoughts on this issue.

Mr. ROGERS. Could we agree on, say, a 30-minute total with 15 minutes per side?

Mr. SANDERS. No, Mr. Chairman, I am sorry. I really would like to, but we have too many people who have waited a long time.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment which brings progressives and conservatives together and a lot of people in between, and let me briefly state what this amendment is not about.

This amendment does not deal with our absurd trade policy which is currently running up a $200 billion deficit, it is costing us millions of jobs and is lowering the standard of American workers. This amendment does not deal with that.

But what this amendment does deal with, which is equally important, is the issue of democracy and national sovereignty and the right of the American people through their local and State elected bodies to make legislation which is in their own best interests.

The Members of Congress who are cosponsoring this legislation, progressives and conservatives, disagree on a lot of things, but what we do not disagree about is that the American people in their cities and their towns and their States have the right to make decisions which affect their own best interests and have the right not to be overridden by a secretive trade organization in Geneva, the World Trade Organization.

Mr. Chairman, for many of us trade is important. We agree trade is important. But it is not more important than human rights or social justice, and it is not more important than the freedom of the American people to exercise their constitutional right to speak out for justice or to protect the environment or to protect the food that we eat or the quality of agriculture in our areas.

Let me give my colleagues a few examples of why this amendment is important:

Recently in Annapolis, Maryland, the legislature in Maryland was discussing a serious way to deal with the military dictatorship in Nigeria, and they had a guest at their hearings, and that guest was from the State Department who told them that he thought it would not be in their best interests or even legal for them to go forward under GATT law to protest and develop legislation in opposition to the military dictatorship in Nigeria.

What is terribly important to understand is that in the 1960s and in the 1970s communities from all over this country came together to speak out against apartheid, and let me quote from what Martin Luther King, Jr., said in 1965 about what was going on in South Africa and how we could oppose it. This is what he said, and I quote:

> We are in an era in which the issue of human rights is the essential question confronting all nations. With respect to South Africa our protest is so muted and peripheral while our trade and investments substantially stimulate their economy to greater

heights. We pat South Africa on the wrist, we give them massive support through American investment in motor and rubber industries. Now is the chance for millions of people to personally give expression to their abhorrence of the world's worst racism. We therefore ask all men of goodwill to take action against apartheid in the following manner. Listen up. Urge your government to support economic sanctions. Don't trade or invest in South Africa until an effective international quarantine of apartheid is established.

The fact of the matter is, if apartheid existed in a country today, or if another Hitler came to power, it would be impossible for the State of Vermont or the State of California to develop economic sanctions to say that companies that invest in those countries could not do business with the State government of Vermont or California or Massachusetts. That seems to me absolutely absurd.

Let me quote from a dear colleague that was sent out by my good friends, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Indiana (Mr. HAMILTON) and they say in opposition to this amendment, quote:

''Multinational companies are being forced to make costly choices between giving up lucrative contracts with government agencies or foregoing business in some of the world's most promising markets.''

Yes, that is exactly what we want. If colleagues want to do business with apartheid, if they want to do business with a military dictatorship, then the people of Vermont and the people of California and cities and towns all over this country do have a right to say to those companies:

''You have to make a choice because we believe that human rights is more important.''

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of free trade and against the ad hoc proliferation of State and local trade sanctions being imposed throughout the United States, and I strongly oppose the Kucinich-Sanders amendment, which is designed to protect such sanctions from Federal challenge and would in effect promote free-lance foreign policy making at the State and local level.

I thought that is what we got elected to do, was that the Congress and the President make foreign policy. But apparently, because of this amendment, it means that my home city of Findlay, Ohio, and the city council therein could have a foreign policy. I thought we settled that many, many years ago in this country. Denying contracts to American firms with business commitments in Tibet, Burma or Nigeria may be at first glance on the cutting edge of political correctness, but the real and immediate effect is to punish local businesses who have no control over events in foreign countries.

I would say to my friend from Vermont (Mr. SANDERS) that those companies who are trying to find markets overseas who employ his constituents and my constituents are much more concerned with not only making a profit but employing people than they are having the City of Montpelier, Vermont, or Findlay, Ohio, making foreign policy, and I would say to my friend, and I may have time to yield at the end, and I will be glad to do so if I have, but that is really the issue here, whether in fact the Congress of the United States and the President of the United States have the ability to make foreign policy or we are going to let 50 States and Lord knows how many communities throughout this country make foreign policy. The imposition of State and local sanctions has become almost a fad which will do more harm than good no matter how well-intentioned.

Let me read an editorial in the San Francisco Examiner, and the language suggests that, quote, at the city's current rate of sanctioning it would soon be able to do business only with companies who limited their international work to Monaco and Iceland, end quote.

So the San Francisco Examiner, not exactly a conservative newspaper, I think really hit the nail on the head. State and local sanctions are protectionist, they are anti-trade and may even be unconstitutional. As a matter of fact, I would submit they are unconstitutional. These laws are not always applied consistently and often send mixed signals of the U.S. intent.

Think for a moment. Sanctions could be potentially imposed by 50 States and thousands of municipalities. This could raise serious questions among our trading partners as to the stability and predictability of U.S. business relations. American values and business practices are best advanced through engagement, not by isolating us or angering allies through the threatened use of secondary boycotts. Furthermore, when faced with a mandatory choice businesses may abandon the local government market in favor of the global market which only harms local distributors of the boycotted companies.

The plain facts are that State and local sanctions undermine the unity of U.S. foreign policy and make the U.S. less credible and effective in economic negotiations. That is why the Clinton State Department opposes this amendment. That is why the U.S. Trade Representative also opposes this amendment. State and local sanctions are counterproductive, ineffective and frustrate cooperation with U.S. trading partners who frequently view them as a violation of U.S. international commitments.

Now, Mr. Chairman, in closing let me quote from our distinguished U.S. Trade Representative, Charlene Barshefsky, who has done a superb job in her tenure at USTR. She says about the Kucinich, et al. amendment:

This amendment is unnecessary and ill advised. The amendment appears to be founded on a faulty premise. Global trade rules have been in effect now for over 50 years. Despite scores of panel reports over the past decades, the Federal Government has never, has never brought suit or even threatened suit to enforce a panel report against a State or local government.

She closes with this paragraph:

Over the past 5 years fully one-third of U.S. economic growth has been tied to our dynamic export sector. American workers and companies depend on open markets around the world. Congress and the administration have worked very hard over many decades to put trade rules in place that open those markets and to keep them open through effective dispute settlement procedures. The United States is by far the most frequent user of international dispute settlement mechanisms. They have benefitted U.S. workers and industries across a wide range of sectors and were put in place at U.S. insistence with our sovereignty concerns fully in mind. No change in U.S. law is needed to ensure that this remains the case.

Signed Charlene Barshefsky, U.S. Trade Representative.

That really says it all, and this really comes down to the question of whether the Congress of the United States in our responsibilities to help create foreign policy and trade policy as well as the administration is going to be trumped by some city council somewhere out in the Midwest that I would submit does not have nearly the amount of information available that we do.

Mr. ROGERS. Mr. Chairman, in the interest of trying to preserve time and preserve everyone's right to speak I think we have general agreement on limiting time.

I would like to, with that in mind, propose a unanimous consent that all debate on the amendment be completed after 30 minutes equally divided between the two sides, the gentleman from Ohio controlling his side, the gentleman from Arizona, on the committee, controlling the other side.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman, would the gentleman from Kentucky please restate?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the proposal is that the debate be concluded in 30 minutes, divided 15 a side, the gentleman from Ohio controlling his side, the gentleman from Arizona controlling this side.

Mr. MOLLOHAN. Mr. Chairman, I withdraw my reservation of objection.

□ 2245

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) is recognized for 15 minutes.

Mr. KUCINICH. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we have been told by the other side that it is absolutely unnecessary to have this amendment because the United States Government has never used the power of the courts to preempt State and local laws, and it will never do that.

Well, if that is the case, then why do they not just accept the amendment? This only limits the expenditure of funds for the Federal Government to take local and State governments to court when their laws are found to be inconsistent with NAFTA and GATT, international trade agreements, not the Constitution of the United States.

Of course the Federal Government can sue if it violates the Constitution of the United States, but only in the case where their local laws, their local preference, violates the terms of an international trade agreement, which will be decided by secret tribunals overseas. If that is what is before us, they should then accept the amendment.

Further, we have the statement in 1986 of the Justice Department under President Ronald Reagan concluding that State and local laws and anti-apartheid laws were constitutional under the market participation doctrine. They go on to say, the Supreme Court has distinguished, quite properly, between the exercise of proprietary powers and regulatory powers. The Court has shielded proprietary actions from the strictures of the Commerce Clause. State divestment statutes represent, we believe, an exercise of proprietary power.

That goes to the arguments of the gentleman earlier. These are constitutional. This is what our country is all about, it is what it is founded on. Our local and State jurisdictions should be able to express their values in expending the dollars of their taxpayers. That is what this is about.

The largest city in my State, Portland, has imposed restrictions on purchases regarding Burma because of the drug smuggling from Burma, because of the oppression in Burma, because of the fact that they had an election which was won by an 80 percent margin and they refused to recognize it. They are saying something must be done.

We have a bunch of people in the White House, and apparently even here, unwilling to take stern action against Burma, but at least a few cities will stand up for the rights of those people. And that is the way it should be. We should not be threatening them because they are saying you are violating the WTO. You know, those butchers running Myanmar are in fact compliant with WTO, and you cannot do that to them. They are compliant.

That is absurd. What we need to do here tonight is adopt this amendment and just say in one case and one case only the Federal Government cannot spend these funds. But if it is unconstitutional, fine, they can go to court. But if it is to take a local jurisdiction to court merely because the bureaucrats at the WTO or the bureaucrats who are making the decisions in NAFTA, or Charlene Barshefsky, a former foreign agent, now our Trade Representative, says so, that is not the way this country should be run.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. MANZULLO), who has been a strong advocate of expanded trade opportunities.

Mr. MANZULLO. Mr. Chairman, can you imagine State and local governments saying we really do not like these international postal agreements, so we are going to enact a community postal agreement, or perhaps a statewide one; or we think there is an infringement on our sovereignty with the international air space agreements because those airplanes fly over our State, and therefore we think that State and local governments should have the right to enact their own type of agreements dealing with these subjects?

Well, we are not under the Articles of Confederation, we are under the United States Constitution, and it was the Constitution that specifically gave exclusive power to the United States Government, the national government, to deal with issues of foreign policy and especially international trade.

What we have going on in this country, for example, Berkeley City Council added two more oil companies to its boycott list. The council will no longer buy gas from Shell and Chevron because it does business in Nigeria. Since Berkeley has already banned ARCO, Unocal, Mobil and Texaco for doing business in Burma and considered Exxon stained by the Valdez spill, the town is running out of options.

So the issue is not WTO, but simply does the Federal Government or the State and local governments have jurisdiction over international trade policy? We cannot have an international trade policy promulgated by this Congress and then be preempted by 50 States and hundreds of local communities. It simply would not make sense. That is the issue here.

One of the reasons our Founding Fathers moved to adopt the U.S. Constitution in 1779 was that even the States among themselves had their own tariffs and their own foreign policies.

So I would urge Members this evening to vote against this amendment and to say, look, if we want to have a focused international policy, Congress is the place where the issue of Burma should be debated, and it is; Congress is the place where the issue of Nazi gold should be debated, and it is, in the Committee on International Relations, and the sanctions were requested here in this body. All these issues deal with the United States Congress and the authority that we have here. We cannot be preempted by 50 states going their own way.

Mr. KUCINICH. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would say to the gentleman from Illinois (Mr. MANZULLO) and also the gentleman from Ohio (Mr. OXLEY), I do not think they have read the amendment. When they quote Madam Barshefsky, in which she said no panel proceedings have ever been brought against any State or municipal law or regulation, well, perfect, that is what we are talking about.

That is what this amendment is. It is just saying that no State or local laws will be challenged by the Federal Government, just what she said. It fits in perfectly with our amendment, which states basically that you cannot use Federal funds to challenge State and local governments.

So, I do not know, they are talking about the Constitution, they are talking about all these mishmash laws all around our 50 States. They obviously have not read the amendment. We are agreeing with Madam Barshefsky, who basically said that no Federal funds will go towards such challenges. So our amendment matches basically what the traditional recognition is by Barshefsky and everybody else. All we are saying is let us codify it today.

A lot of people say, well, you know, what are we talking about? The States and local communities are not being impacted. No? In my State of Florida, Venezuela brought legal action against Florida under the auspices of the WTO for Florida's oil refinery standards. Now, Florida maintains a very clean air standard to reduce pollution, but Venezuela challenged that standard because the oil produced in Venezuela could not meet the Florida standard. Venezuela was successful, and Florida is now forced to reduce their environmental standards to accommodate the WTO decision.

Do you think that is right? Some of the other things that have been mentioned, the Helms-Burton Act which enacted trade sanctions against Cuba was challenged by the European Community at the World Trade Organization.

Switzerland has indicated that they will bring an action to the WTO against New York City, California and New Jersey for their sanction laws against Swiss banks that held assets stolen by Nazi Germany from the Holocaust victims for over 40 years. Buy-American provisions in numerous States and localities.

The question before us tonight is how can international agreements go in, overturning laws passed by States and localities that have not been ratified by anybody other than the World Trade Organizations? I certainly would not necessarily endorse every law passed by the City of Berkeley, California, or San Francisco, but are not the laws

these localities pass the essence of democracy? And as long as States and localities do not violate the U.S. Constitution, their local laws should be defended by the Federal Government and not challenged and thrown out by the World Trade Organization.

So the bottom line is, Mr. Chairman, this is a very simple amendment, and it is a perfect amendment that matches with Ambassador Barshefsky, that no government will file against State and local governments, and no Federal funds can be used.

So I urge my colleagues to support this amendment and let us move forward.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is an interesting debate. I was over in my office listening to it and decided I should come over and just add my voice. I think it is probably a little confusing to people listening because we are talking about the Constitution and talking about all these trade agreements.

Basically this is just a back-door attempt at protectionism. My good friend from Ohio, from Cleveland, has heavy machinery in his district he wants to export, he has high-tech goods, he has chemicals. My friend from Florida who just spoke has orange juice he wants to send over to the Europeans, the best orange juice in the world. We want those markets to be open.

If we were to pass this amendment tonight, and if we were to take this road in trade which says basically, as my friend just said, that Berkeley, California, can decide whether oranges are going to go from Florida to the European countries, we will in fact have the kind of protectionism and break down the kind of standards that we have set up under the World Trade Organization and under the GATT.

Why? Because what the Europeans will do who are being discriminated against by the policies of Berkeley California, or any other city, is they will retaliate against the United States, and they have every right to do it under these trade agreements. They would not have the right to do it so long as the U.S. follows the rules. But if we do not follow the rules and we allow our cities and States to discriminate against their products, then they can turn around and discriminate against our products, and that is the whole point of these agreements.

If you do not like the NAFTA agreement, which was passed by this Congress when it was under Democratic control, when there was a Democrat in the White House, then let us talk about NAFTA. If you do not like the WTO, which was passed when President Clinton was in office and when the Democrats controlled this Chamber, then let us talk about WTO.

But we have set these things in place so that there is in fact a trade regime, that if a European country discriminates against a product from Cleveland, Ohio, or Cincinnati, Ohio, or Florida, then yes, we as the United States Government can retaliate against that European county.

That is what we are trying to do now with regard to beef hormones, with regard to bananas. We sat here on the floor yesterday and all of us voted for this great resolution to beat up on the Europeans because they have protectionist policies in place, and we insisted that USTR make the Europeans fully comply with the WTO decisions which helped the United States.

Yet we stand here tonight and say that is not going to apply to us. We should let our cities and our States and our counties decide what our trade policy is, and then in turn we are going to allow the Europeans to cut off products that are coming from all over this country.

Let me give you one example of what could happen if we allow this thing to go through. You could have one city, Cleveland, Ohio, my city of Cincinnati, or Berkeley, California, as I said earlier, put in a place a policy that provides discrimination against some product from some company that happens to be European based. The Europeans could then discriminate against a product that does not affect just Berkley, California, or Cleveland, Ohio, or Cincinnati, Ohio, but affects this entire country and affects jobs here in the United States.

One-third of the growth of this wonderful economic situation we find ourselves in today is due to exports. If you want to pull up the ladder, fine, let us talk about that. But let us not go around this backdoor way and say we are not going to have a national trade policy, we are going to have a city trade policy or a county trade policy or a State trade policy, which in turn will allow our trading partners who have agreed to the WTO, who have agreed to NAFTA, to in turn discriminate against our products and hurt all Americans.

So I strongly urge a ''no'' vote on this. I think we should have more honest discussion about it.

Mr. KUCINICH. Mr. Chairman, I yield three minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

□ 2300

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Kucinich amendment. I ask my colleagues, what with the intimidation of the WTO rules and upcoming Federal lawsuits, what State or local governments will be able to use procurement as instruments for influencing public policy?

If the State and local governments had been bound by such trade rules when many of us joined with the people of South Africa in their struggle for freedom, Nelson Mandela might still be in jail. We would not have been able to use local sanctions as weapons against apartheid in South Africa.

I believe one of the reasons this country remains free is the ability for local people to have initiatives, started at the bottom, implemented by ordinary people, and represented by local officials who oftentimes are closest to them.

Mr. Chairman, when I was a member of the Chicago City Council, alderman of the 29th Ward, I fought for selective contracting policies. I fought for them because the people I represented firmly believed that their local government and businesses should not be doing business with the apartheid regime in South Africa.

In the mid-1980s, the city of Chicago passed a selective contracting policy, along with 50 other cities, five other States, and 14 counties that passed similar ordinances. I, as a local elected official, stood with my constituents, who were courageous enough to organize against the injustices in South Africa. This city ordnance was passed as a monument to the personal undertaking and fearless conviction that the people in my community have.

I hope not to see the day when the Federal Government can overturn this kind of conviction. This was our way, the people's way of supporting the struggle that was led by the people at the bottom, at the very local level of being.

Why is it that every time there is conflict between the people and major corporations, that somehow or another the people get shut out, left at the bottom? There is no fear in a policy like this. All that it really says is let the people decide. That is the democratic way. That is the American way. That is why I support the Kucinich amendment.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think it would be helpful to bring this debate down to Earth. The fact of it is, no Nation on the face of this Earth uses the WTO dispute resolutions more than the United States does. No Nation wins more battles before the WTO than the United States does. We cannot have it both ways. We cannot have a case where, if we win with the WTO, we say, enforce the agreement; if someone else wins from another country, we say, trash it. Forget about it. It means nothing. Certainly we do not want it to mean anything in any jurisdiction that any of us have anything to do with.

The fact of it is, this debate has already taken place on this floor. It took place when we did the Uruguay Round some few years ago. That established, as if it was not already well-established, that Federal and international

law already assures that neither the WTO dispute panels nor the WTO itself have any capacity to compel THE U.S., our U.S. government, to change its laws or change the regulations.

More specifically, only the United States can decide how it will respond, if it does at all, to panel reports. Only the U.S. Congress can change U.S. laws. Trade panel reports are not binding as a matter of U.S. law, and cannot form the basis for bringing suit in U.S. courts. If a suit is brought in U.S. courts, it will not because of a trade panel dispute resolution matter, it will be because the court otherwise has jurisdiction.

Every executive agency, including the office of USTR, is charged with upholding U.S. laws and defending them against challenges. The fears about the Federal Government seeking to sue State governments to comply with international dispute panels is to me totally without merit.

The Kucinich amendment is unnecessary. I think it creates an issue where there is none. I urge my colleagues to oppose it.

Mr. KUCINICH. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Chairman, I thank the gentleman for yielding me the time.

I just want to congratulate the gentleman from Ohio (Mr. KUCINICH) on this amendment. I think that the debate tonight is really getting off target. There has been talk about our States wanting to get more power in foreign affairs. That is how this debate has been steered. That is not what this is about. It is not about our States wanting foreign powers, this is about foreign powers wanting to take away our States' rights.

It has been said tonight also, in the agreement we cannot find where in fact this interferes with our States' rights or our States' laws. That is not true, because when the WTO rules against our States and local laws, the Federal Government is obligated to pursue every measure, including bringing a legal challenge in Federal court to compel our local governments to repeal that law. That is the use of force to change our laws. This amendment simply prohibits any taxpayers' dollars to be used by the Federal Government in the legal battles against State and local laws.

It was also mentioned when we have the ability to go to WTO, we do it. Ask the steel workers recently about Hamboo in Korea. They had to beg this government to try to do something, with thousands of signatures. We do not win when it comes to this issue for the working people. We only win if an amendment like this is passed.

This amendment sends a message that the American people do not want to transfer power and responsibility from their elected representatives to unelected trade bureaucrats at the WTO in Geneva. Why do Members think fast track went down in this Chamber? Because the American people are sick and tired of giving up our States' rights. Our veterans did not go and fight and die so unelected bureaucrats decide for us in some foreign agreement what our laws are going to be in this country.

It is time to wake up. I am deeply disturbed by the power these international trade organizations have acquired to change our laws. In order to protect American jobs, we need an amendment like this. This is simply fair to American workers, and it is fair to our States' rights. I urge support of the Kucinich amendment.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. THOMAS), a member of the Committee on Ways and Means.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Chairman, would all of the Members for just a minute return with me to 1770? This is not the District of Columbia, it belongs to the State of Maryland. We operate under the Articles of Confederation, and a ship that moves along the Potomac stops in Maryland and has a set of rules. It crosses the river, and it has an entirely different set of rules, because the States set the rules.

The gentleman who spoke earlier said, let the people decide. Excuse me? They did, in 1789. They said, ''We, the people of the United States, in order to form a more perfect union.'' We all agreed to form a more perfect union. Part of those rules are, in Article I, Section 8, ''The Congress shall have the power to regulate commerce with foreign nations and among the several States.''

When we deal with foreign nations in Article II, it is done by treaties. It says, ''The President shall have power, by and with the advice and consent of the Senate, to make treaties.'' We are dealing with an international organization which the United States relates to through treaty. The WTO cannot make the United States do anything the United States, or a subunit, does not want to do.

Let us look at the tenth amendment: ''The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved respectively to the people.'' Foreign relations by treaty, the people of the United States said belong to the Nation.

These Members are talking about returning to the Articles of Confederation, and I cannot believe the gentleman from Vermont quoted a number of States, including the author of this amendment, that had people fight and die to preserve this Union.

Take a look at the Constitution, I say to the Members, if they have not looked at it recently. What they are advocating is the failure to honor the specific language of Article I, Article II, and the tenth amendment. The preamble is not binding, but it starts out, ''We, the people.'' The decision was made a long time ago. This is an absolutely ridiculous amendment.

Mr. KUCINICH. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, on June 16 this House passed a bill to present a Congressional Gold Medal to Nelson Mandela. The long story, to bring us to a point where this body would vote a Congressional Gold Medal to Nelson Mandela, began with Massachusetts University's cutting off their investment in South Africa; with the State of Massachusetts passing a State law prohibiting any contacts with the State of South Africa.

□ 2310

And slowly but surely the international community heard that message, and slowly but surely the international community tightened the reins around South Africa so that Nelson Mandela could become the elected president of that country. It began, though, in Massachusetts.

Another great individual, another winner of the Nobel Peace Prize languished for 5 years under House arrest in Burma, Aung San Suu Kyi, leader of the Burmese people's democracy movement, placed under arrest because she had the temerity to win 82 percent of the vote in a democratic election. The State of Massachusetts has passed a law saying that we do not want to have business relationships with the country of Burma.

Recently, Aung San Suu Kyi was released from House arrest, but the military leaders of Burma still tightly control her movements. And only if we continue to keep the pressure on Burma will Aung San Suu Kyi one day address a joint session of Congress.

Now, the World Trade Organization believes that we should not in Massachusetts be able to take action against Burma. In Massachusetts. I am in favor of GATT. I am in favor of NAFTA. I am in favor of free trade and global economic competition. The World Trade Organization serves its purpose when it prevents a company from using laws to stifle competition. The World Trade Organization serves its purpose when it prevents a state from stifling competition. But it does not serve our purposes when it denies the freedom of people in countries around the world from being protected by the individual actions of States within our Nation.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER), the vice chairman of the Committee on Rules and a strong advocate of expanded trade opportunities.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding this time to me, and I have been told by my dear colleague from Cincinnati that the issue of South Africa has been raised throughout this debate. We need to realize that every bit of action that was

taken from the United States on the issue of South Africa was taken by the United States Government, as it was outlined very clearly in the arguments provided by my friend from California (Mr. THOMAS).

Mr. Chairman, it is very important to recognize what it is that the authors of this amendment hate. They hate the international economy. They hate the rules-based trading system, which has a very simple and basic goal. Why was it back in 1947 that the General Agreement on Tariffs and Trade was established and expanded to the World Trade Organization today? Why? It was designed to diminish tariff barriers. That is the very simple goal of the WTO.

And while we hear people argue this time and time again, it is important for us to recognize that the WTO cannot change a single law here in the United States. So what we need to do, Mr. Chairman, is we need to realize that our goals are simple: They are to break down barriers, to find new opportunities for U.S. products and services around the world and, very importantly, to maintain and expand the standard of living that we enjoy in the United States, which is as great as any country on the face of the earth. Why? Because the world has access to our consumer market.

Defeat the Kucinich amendment.

Mr. KUCINICH. Mr. Chairman, may I ask the Chair how much time remains on each side?

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) has 30 seconds remaining, and the gentleman from Arizona (Mr. KOLBE) has 2 minutes remaining and has the right to close.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to this amendment.

I compliment the advocates of this amendment on the clever way it has been crafted.

It appeals to a broader base of members who support states' rights and are sensitive to the issues of federalism and preserving the 10th Amendment.

Who in their right mind wants to fund the Justice Department at the behest of the World Trade Organization (WTO) to intervene in the courts to overturn and repeal states laws or local ordinances?

That, however, is not the case.

First, the World Trade organization, and its dispute resolution panels, have no power to compel the U.S. to change Federal, State or local laws and regulations; and,

Second, state and local governments that engage in sanctions on foreign governments and their nations are clearly overstepping their authority under the Constitution and engaging in U.S. foreign policy.

Mr. Chairman, the WTO has no authority in the United States.

In fact, the federal law implementing the Uruguay Round specifically precludes U.S. federal courts from giving WTO panel reports any deference.

The truth is that if a WTO panel determines that a U.S. state law violates the WTO Agreement, the federal government is not obligated to do anything.

Under the Uruguay Round, U.S. sovereignty is actually strengthened by granting the United States a number of options that help contain the dispute and protects against the imposition of unilateral sanctions or the initiation of a destructive trade war.

Under the Uruguay Round, the U.S. government can elect to take no action, it can negotiate a mutually acceptable compensation, it can accept the suspension of trade concessions by the prevailing party, or it can intervene in federal court to overturn or nullify the disputed law.

In the past 50 years that the General Agreement on Tariffs and Trade has been in effect, the federal government has never brought a court action to repeal or nullify a state law.

Now let me comment on my second point.

When a local or state government seeks to impose trade sanctions on foreign governments, they are going beyond their constitutional authority and engaging in foreign policy.

Mr. Chairman, I am a strong advocate of protecting the rights of state and local governments.

I was a lead sponsor of the Unfunded Mandate Reform Act that protects state and local governments against the imposition of unfunded federal mandates, laws where we mandate that state and local governments compliance without providing the funds to pay for their implementation.

I also just voted in support of an amendment offered by my colleague JIM KOLBE banning federal funds to implement executive order 13083.

This executive order on federalism was a mistake and is opposed by all state and local elected officials on a bipartisan basis.

But just as we should respect and protect state and local authority, we should protect and respect federal authority and not undermine the ability of the U.S. government to conduct U.S. trade and foreign policy.

The two local laws that have given impetus to this amendment and may come before a WTO dispute panel are the Commonwealth of Massachusetts' procurement policy that penalizes business, U.S. and foreign, that do business with Burma and New York's sanctions on Swiss banks that fail to cooperate with victims of the Holocaust.

I can sympathize and perhaps even support the objectives of both New York and Massachusetts.

But the proper place to establish these policies is at the federal level here in Congress and in the executive branch, not at the state or local level.

If Congress feels as strongly as Massachusetts and New York feel about human rights abuses in Burma or the lack of cooperation Swiss banks have given Holocaust victims, then let us debate the merits of trade sanctions or other action targeted against Burma and Switzerland.

The real issue isn't whether you oppose human rights violations or sympathize with Holocaust victims, the real issue is whether you think the state and local governments should set this nation's foreign policy and trade agenda.

Oppose the Kucinich-Sanders amendment and demonstrate your respect for what our Founding Fathers intended.

Preserve the right of Congress to establish U.S. trade and foreign policy.

Mr. KUCINICH. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I rise in strong support of this amendment. What a radical notion, a radical notion, that the people we represent might decide that they do not want to procure in local government articles made with slave labor or made with child labor, or that they would want to keep their food clear of illegal pesticides and toxic materials as the State of California has done.

What a terrible, radical notion to scare the opponents of this amendment. The people that we represent would band together and decide these decisions and make these decisions. They were far ahead of the Federal Government on the issue of South Africa. If the World Trade Organization was around then, Nelson Mandela would never be out of prison.

We have to encourage our citizens to take these actions to protect their activities, to protect their food supply and to protect human rights.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I rise in opposition to this amendment today. We have heard phrases like it will change our laws, as though somehow the U.S. sovereignty was at stake, but we know that is not the case. United States sovereignty is quite intact here.

Let us just look for a moment at what really happens under the WTO or the NAFTA if there is a ruling against us because some State has taken or local government has taken some kind of action.

The United States can choose to do absolutely nothing. We can accept the consequences of it, and then the consequences would be that another government can take, under the NAFTA or the WTO, action against us, can suspend some of the trading rights that they have granted, you say, because some local government has decided to do the same.

So the United States can do nothing, or we can accept it. We can abide by it but we can still do nothing about the local government. We can negotiate a compensation package where we have to pay compensation to the other country but we still have to do nothing.

The fact of the matter is, so far it has never been used by the United States, but let me tell you, ladies and gentlemen, we better keep this arrow in our quiver.

What if, for example, tomorrow the State of California were to say they do not like Japan and they were to ban all trade with Japan? The hundreds of billions of dollars that would be involved here would mean a massive tax on the rest of us to compensate for that.

Now, we have heard about Nelson Mandela and South Africa. The fact is,

that was coordinated and done by this Congress, by the United States Government acting in concert with other countries. It was not done by the State of Massachusetts. It was not because of some local government doing it. It was the fact that this Congress took the steps and our executive branch got the efforts of other countries in step with us to make sure that we had this kind of action.

Mr. Chairman, let me just make it very clear I am a strong advocate of States' rights. I offered an amendment earlier on that subject. Article III, section 8 says the power to regulate foreign commerce and the commerce between States shall belong to the Federal Government. It is right here in the Constitution. If ever anybody would read the Constitution, it would be very clear that States' rights works two ways, and the Federal Government has the right to regulate this commerce.

We should vote ''no'' on this to maintain the ability of the United States to trade and to regulate commerce. Vote ''no'' on this amendment.

Mr. GEPHARDT. Mr. Chairman, I rise in support of the Kucinich amendment. I appreciate the concerns expressed by some opponents of this legislation that it could undermine the authority of the federal government to represent the United States on foreign policy and trade matters. My vote today is not intended to seek to undermine that authority; rather, it represents my belief that we must have a more activist approach to U.S. foreign and trade policy, one that is more responsive to the concerns of localities, and one that better reflects the values and priorities of the American people.

Clearly, states and localities should not make foreign policy for our federal government, or take actions that undermine the U.S. government's policies. However, in cases where the federal government has failed to assert our fundamental values of freedom, democracy and human rights internationally, these entities have often taken actions that have spurred the federal government to assert U.S. leadership. The most dramatic example of this in recent memory is that of South Africa, where the conviction of individuals in universities, localities and other organizations generated a grassroots movement that propelled our government to impose comprehensive sanctions against the apartheid regime there. This in turn inspired an international effort that contributed to the downfall of South Africa's apartheid government.

All of our nation's democratic institutions should have the opportunity to participate in efforts to promote positive change, both at home and abroad. Unfortunately, too often state and local entities feel that their voices are not heard as the federal government formulates policies that affect all Americans. To remedy this situation, we need a process that is more responsive to the legitimate concerns of localities. This amendment emphasizes the importance of giving localities the ability to voice these concerns, and would promote constructive dialogue rather than confrontation between them and the federal government on these important issues.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) are postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 508, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Indiana (Mr. MCINTOSH); amendment No. 49 offered by the gentleman from Ohio (Mr. KUCINICH).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. MCINTOSH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 188, not voting 7, as follows:

[Roll No. 400]

AYES—240

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—188

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders

Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—7

Cunningham
Gonzalez
Moakley
Shuster
Smith (OR)
Yates
Young (FL)

☐ 2339

Messrs. KIM, MCHALE and GANSKE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 2340

AMENDMENT NO. 49 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 228, not voting 7, as follows:

[Roll No. 401]

AYES—200

Abercrombie
Ackerman
Aderholt
Andrews
Bachus
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Berman
Bishop
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bunning
Burton
Canady
Capps
Carson
Chabot
Chenoweth
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
Duncan
Emerson
Engel
Ensign
Evans
Farr
Fattah
Filner
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Furse
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Gordon
Graham
Green
Gutierrez
Gutknecht
Hall (TX)
Hastings (FL)
Hayworth
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Holden
Hunter
Inglis
Istook
Jackson (IL)
Jenkins
Johnson (WI)
Jones
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Kucinich
Lantos
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lucas
Maloney (NY)
Manton
Markey
Mascara
McCarthy (NY)
McDade
McGovern
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Mollohan
Murtha
Nadler
Nethercutt
Neumann
Ney
Oberstar
Obey
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pombo
Pomeroy
Poshard
Quinn
Radanovich
Rahall
Rangel
Riley
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sanders
Saxton
Scarborough
Schaffer, Bob
Schumer
Serrano
Shaw
Sherman
Smith (MI)
Smith (NJ)
Smith, Linda
Spence
Stabenow
Stark
Stearns
Stokes
Strickland
Stupak
Taylor (MS)
Thurman
Tierney
Torres
Towns
Traficant
Velazquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (PA)
Wexler
Wise
Wolf
Woolsey

NOES—228

Allen
Archer
Armey
Baker
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (CA)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Cardin
Castle
Chambliss
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Davis (FL)
Davis (VA)
Deal
DeLay
Dickey
Dicks
Dingell
Dooley
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gingrich
Goodlatte
Goss
Granger
Greenwood
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kasich
Kennelly
Kim
Kind (WI)
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Manzullo
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McHale
McInnis
McKeon
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Ramstad
Redmond
Regula
Reyes
Riggs
Roemer
Rogan
Rogers
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Schaefer, Dan
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spratt
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Turner
Upton
Vento
Watt (NC)
Weldon (FL)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wynn
Young (AK)

NOT VOTING—7

Cunningham
Gonzalez
Moakley
Shuster
Smith (OR)
Yates
Young (FL)

☐ 2346

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, and Judiciary, and Related Agencies Appropriations Act, 1999''.

Mr. STUPAK. Mr. Chairman, I rise today to support funding for sea lamprey control in the Great Lakes.

For those who are unfamiliar with the sea lamprey, it is an eel-like creature—introduced into the Great Lakes by foreign ballast water—which attaches itself to fish and literally sucks the life out of the fish.

Without proper treatment, this foreign species would severely threaten the $4 billion per year Great Lakes fishing industry.

While the Great Lakes Fishery Commission has made great strides in fighting the sea lamprey, infestation in the St. Marys River is threatening the lake trout in northern Lake Huron and Lake Michigan.

More sea lamprey are produced in this river than all of the Great Lakes combined. In fact, lamprey levels are rapidly approaching record levels in this area, resulting in the death of 54% of all adult lake trout.

The Senate has specifically designated nearly $9.4 million for the Great Lakes Fishery Commission for fiscal year 1999. Included in this amount is $8.7 million for the Sea Lamprey operations and research program and $1 million to combat the sea lamprey infestation in the St. Marys River in Michigan.

We must stop this problem before we reverse the gains that have been made over the recent years in fighting the sea lamprey in the Great Lakes. It is my hope that the Committee will concur with the Senate on these designations during the conference committee.

Ms. DUNN. Mr. Chairman, I rise today to offer my support to my colleague from Oregon, Mr. DEFAZIO, for his hard work in deterring juveniles from recklessly and carelessly handling guns.

In Washington State alone in the 1996–1997 school year, we had 150 incidents of kids bringing handguns, rifles, or shotguns onto school property. Not only is it a crime under Washington State law, but under Federal Law it is illegal to have a firearm on school grounds. Yet these juveniles are still bringing guns to school and endangering the lives of other students.

For this reason, I am introducing a bill this week with Mr. DEFAZIO to address the problem of guns in school. Rather than mandating new state laws or creating more programs that simply do not work, it is our intention to establish an incentive program for states to create a 24 hour cooling off period for students caught with guns. These kids need to be faced with the responsibility they bear in picking up a gun

and possessing it illegally. We cannot allow another Jonesboro Arkansas, or Springfield Oregon incident.

I thank Mr. DEFAZIO for bringing to the attention of the House and I look forward to sponsoring this legislation with him. I also thank Chairman ROGERS for his willingness to work with us as we try to create new ways to discourage violent crime.

The CHAIRMAN. Are there any further amendments?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 508, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro temore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Yes; I am, Mr. Speaker.

□ 2350

The SPEAKER pro tempore (Mr. PEASE). The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 4276, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered; but pursuant to clause 5 of rule I, that vote is postponed momentarily so the Chair may entertain a unanimous consent request.

LIMITING FURTHER AMENDMENTS AND DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2183, pursuant to House Resolution 442, which will be the first order of business tomorrow, that the amendments described in this unanimous consent request, that is, the substitute by Mr. TIERNEY, would be debated for 40 minutes; by Mr. FARR for 40 minutes; by Mr. DOOLITTLE for 40 minutes; by Mr. OBEY for 40 minutes; by Mr. HUTCHINSON for 60 minutes; that there be no amendments to those substitutes; and that would conclude campaign reform.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 4276.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 203, not voting 7, as follows:

[Roll No 402]

YEAS—225

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Farr
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hill
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (PA)
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Sessions
Shadegg
Shaw
Shays
Shimkus
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Strickland
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Traficant
Upton
Visclosky
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Barr
Barrett (WI)
Bartlett
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Duncan
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hostettler
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (KS)
Moran (VA)
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Velazquez
Vento
Wamp